11-4-2002

Nota Bene, November 4, 2002

NOTA BENE

The George Washington Post

Monday, November 4, 2002

Vol. 12, No. 5

Iraq Protests Hit D.C.

By Brandon Briscoe
Staff Writer

About twnety GW law students joined a crowd of tens of thousands Saturday, October 27th, in a preemptive protest of the Bush administration's proposed preemptive military strike against Iraq. The rally and march, which began near the Vietnam War Memorial and featured such high-profile speakers as Reverend Jesse Jackson, was met with a significantly smaller police presence than September's World Bank protests.

Several students from the National Lawyers Guild donned neon-green hats and badges to serve as legal observers of the police-protestor interaction, but their day – like the protest – was largely without incident. "This is literally unheard of – to have a crowd this large and no police presence at all," said 3L Jeff Barham, who was arrested while serving as a legal observer during the World Bank protests. Organizers estimate the crowd approached the 100,000 mark, but no official numbers are available.

Barham and 3L Corey Shapiro moved through the crowd's perimeter looking for police and possible trouble. They found police were working only to maintain traffic flow and direct participants in a race for a diabetes research charity through the protest to their event. The peaceful crowd was left largely unchecked, allowing Barham, Shapiro, and the other legal observers to join the protest.

Barham said police even allowed a non-permitted "feeder march" that wound through neighborhood streets in an attempt to draw more people to the larger rally to proceed unchecked. Barham had expected police to arrest those participants immediately for not having a permit, but observers reported that the situation was resolved amicably and without incident.

While the police presence was unnoticeable, the observers' presence drew comments from many protestors. As the Guild members, many of them law students at D.C. law schools, moved through the crowd, they were often met with words of thanks and admiration from protestors who seemed to appreciative for the assistance when police are more forceful than they were Saturday. "Thanks for being here," said one protestor in a typical exchange.

The observers were not the only law students on hand for the event, however. A number of students joined the protest to voice their concern about the possible war. Sara Mostafavi said she disagreed with the Bush administration policies. "I don't necessarily have an anti-war perspective – I think humanitarian intervention was necessary a long time ago," she said. "The world cannot just sit back and watch, but the U.S. cannot just go off on its own."

Mostafavi, an officer in the Muslim Law Students Association, said she also feared cultural repercussions of a unilateral strike. "I'm worried about how this is going to be perceived in the Muslim world. If the U.S. singlehandedly goes against Saddam, it makes him look like a martyr. If the U.S. wants to be intelligent about what it's doing, then it has to garner support from the Muslim world."

The other students present echoed Mostafavi's sentiments, including the Guild members who joined the protest when not observing police-crowd interaction. NLG president Jocelyn Stotts said observers are careful not to mix observing with protesting, noting that members never wear their green hats and badges when not serving as observers. The group had a large red banner that read, "The National Lawyers Guild says 'No' to war."

Mostafavi captured the mood of most protestors who noted the lax police presence. She said she was not wor-

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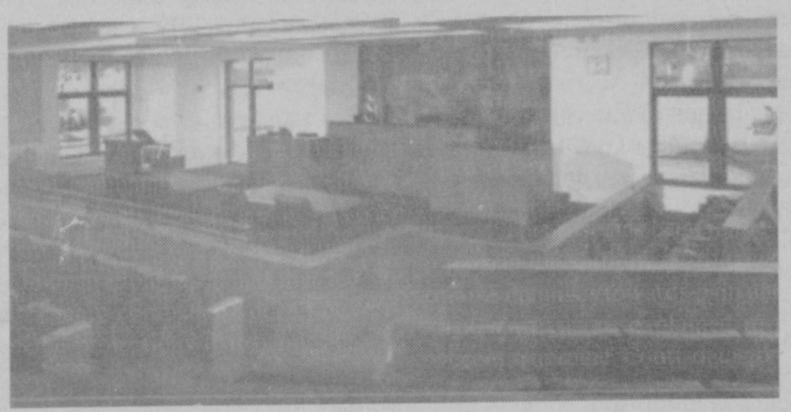
Moot Court Room Rededication Celebrated

By Elizabeth Austern
Staff Writer

The grand opening for the *George Washington University Law School's Jacob Burns Moot Courtroom And National Center for State Courts' Demonstration Center and Classroom* was held Wednesday, October 23rd at the law school. The opening was a re-dedication of the original courtroom space, now twenty years old, which was renovated this past summer. The event was attended by many notables from the University, Law School, and judicial communities. There were several congratulatory speeches, followed by a reception and the conclusion of the Fall Mock Trial Competition Final (see related article).



The newly-renovated Jacob Burns Moot Court Room

The National Center for State Courts's involvement in the renovations was highlighted in the opening speeches and in the remarks by Roger K. Warren, the President of the Center. The Center is a think-tank and large research organization for court administration and other judicial issues. The organization became involved in the project due to its prior relationship with the Law School and its interest in creating a demonstration courtroom close to its Washington, DC headquarters.

The GW moot courtroom is the second such project the Center has partnered with a university in creating; the first was at William and Mary University in Virginia in a venture started nearly ten years ago. The university partnerships are joined under a Center department called Courtroom 21, which is invested in creating demonstration places for academics and jurists around the world. Courtroom 21's main goal in the renovations was to maximize technology's potential to assist in courtroom presentation and recording of evidence at trials. At the grand opening, this technology was demonstrated in a video presenta-

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Inside

Foreign Minister of Afghanistan Speaks at GW

By Alexander Saunders
Staff Writer

On October 21st, Afghanistan's Foreign Minister, Abdullah Abdullah, spoke to a crowded room of students, government representatives, and George Washington University faculty about the state of his country. Abdullah delivered his speech amidst a heightened sense of security. All who entered the Jack Norton Auditorium in the School of Media and Public Affairs Building were asked to leave their bags outside and walk through a metal detector. Some were subjected to "wanding" before entering the auditorium.

Dean Young Presents Foreign Minister Abdullah with one of 150 books donated by

The event was co-sponsored by the Elliot School of International Affairs and the Law School, and broadcast on C-SPAN. Both Ambassador Carl F. Inderfurth and Dean Michael K. Young introduced Abdullah. Young formally presented Abdullah with 150 books on behalf of the George Washington University Law School for Afghanistan's law school, located in Kabul, and Young expressed his willingness to work with Afghanistan in its rebuilding process.

The Afghan Foreign Minister hails from the Pansheer valley in the Northeast corner of Afghanistan. "First and foremost he is an Afghan nationalist," said Inderfurth. Abdullah is an ophthalmologist by profession and was the director of medical care for the resistant front against the Soviets in the 1980s. Abdullah also played a critical role in the early days of the war on terror and sat in the Loya Jirga meetings during the interim Afghan government. "His services in helping us have been invaluable," said Inderfurth. "He has been working to see his country free of oppressors."

Abdullah thanked Young and Inderfurth for their hospitality and support. Then, Abdullah delivered a message of optimism about his country's future but feels that there is much yet to accomplish. "The story of Afghanistan is a story of hope," said Abdullah. "The past is a story of struggle for freedom."

Abdullah went on to briefly describe the time during Soviet occupation as "a period of instability" followed by the oppression of the Taliban government. The foreign minister felt that recent events have paved the way for a stable democracy. Specifically, the Bonn Agreement placed Hamid Karzai at the head of the interim Afghan government and set out provisions for an orderly political process. The Bonn Agreement called for six months of an interim government followed by six years of Karzai as leader. "It's a step-by-step process to achieving free elections," Abdullah explained.

The interim Afghan government also has provided for a constitutional committee to draft a new Afghan Constitution, which will be partially based on the 1964 Afghan Constitution. The Loya Jirga was arranged to serve as a council for the interim Afghan government so that different

See ABDULLAH page 6

Opinions

House Editorial

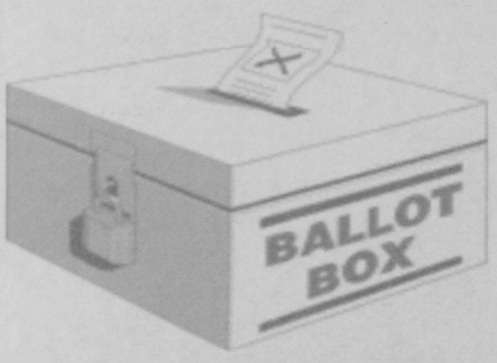
Get Off Your Butt and Vote!

As American citizens, little is expected of us. Once in awhile we have to perform jury duty, we are all expected to pay our taxes, and, if you're a male, you have to register for the draft, but that's about it. There is, however, one more duty that an alarmingly low number of us take part in. In Europe around ninety percent of the eligible electorate head to the polls, but here, it hovers around thirty percent. It is our belief that this is unacceptable. The right to vote is not a right. It's a duty.

If we learned one thing from the 2000 election, it's that every vote counts. Not only the Presidential election, but several congressional and local races were decided by razor thin margins. This election is likely to be a repeat that trend. With the electorate and major political offices divided relatively evenly between the two major political parties, the duty to vote has taken on an added significance. The House of Representatives, the U.S. Senate and various Governors mansions across this nation are up for grabs on Tuesday. The course our nation takes will depend on who we elect to lead us.

We of course know that several of you (hopefully) have voted by absentee ballot, and we applaud you for your civic duty. The rest of us, however, need to make the time on Tuesday to get to the polls. Whether it's before class, after class, or instead of class, take the time to punch the ballot. Voting is simple. It's not hard, and it doesn't take a lot of time. There is simply no excuse for not voting. If you want the right to complain about what isn't right in this country, get out and vote. Yours could be the vote that determines what we're complaining about next year.

Our message is simple … we would like you to get off your collective bottoms and head to the polls. We are not going to tell you who to vote for, because we feel that that's not our place. It is your treasured privilege to select who you think is best for each office. We just want you to vote. Democracy is too great an invention to be taken so lightly. It's about time we all took one giant step towards full democracy and exercised our sacred right to vote. It's all we can ask for.



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Nota Bene is published bi-weekly by the students of The George Washington University Law School. Its office is located in the basement at 2008 G Street, NW, Washington D.C 20052, **(202) 676-3879.**

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Trial Court Competition Unprofessional

By Samia Naseem
Staff Writer

The recent trial court competition was not all that it promised to be. In fact, I was left sorely disappointed. The competition lacked professionalism. Coaches turned out to be ill prepared, judges were equally uninformed, and trial court board members behaved in a disgraceful manner.

Students were assigned coaches in the weeks prior to the competition. Many of the coaches responded in shock and confusion when they heard basic details about the competition such as the fact that we would be presenting both the defense and the prosecution at different times of the day. We were coached on how to present our case and we were criticized for each piece of advice we followed. The coaches were kind and helpful, but the Board failed to tell them what was expected of us. It was obvious that the members of trial court board who were scoring the competition were not on the same wavelength as the coaches.

> ***The coaches advised us to object when we felt that it was necessary, even if we didn't know the name or number of the exact objection, because it would let the judges know that we were on top of our game. The trial court board judges criticized us for doing exactly that.***

Participants were informed that their competitors would be at a similar level in terms of courses taken. Furthermore, we were reassured that we would be able to notify the judge at the competition of whether we had taken an evidence course or not. We would be judged at the appropriate standard. Surprisingly, our first opponents were third-year law students who had significant experience, whereas we are second-year transfers from the evening program and currently completing core requirements. Needless to say, I have not taken evidence or any other relevant course.

The judge of our morning trial seemed to have little knowledge of court procedure. At one point, I informed the judge that I was unsure of the exact rule number of my objection. He responded by saying, "You know more than I do." The unfortunate part is that he was not joking while making this disappointing statement. We were given absolutely no feedback at the conclusion of this trial.

The judge of our afternoon trial was overly zealous. She expected us to know not only each objection and its corresponding rule number, but also the exceptions to the rule and the exceptions to the exceptions. At one point, I felt so badgered by the judge that I stopped to explain to her that I had not taken any relevant courses. The judge was indifferent to my explanation and continued to demand perfection throughout the trial.

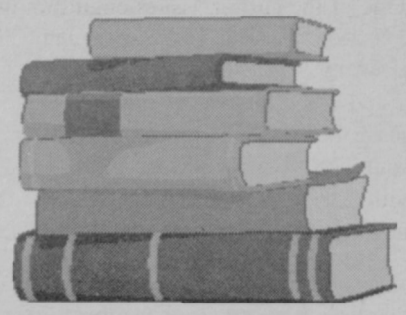
Our coach had advised us to be "animated" in our opening and closing statements. He had said to make our best efforts to keep the judges interested. During my opening statement of the afternoon trial, I stood before the Board members who were present and I made my greatest effort in what I felt was an incredible opening statement. During the statement, I kept close watch of the judges to ensure I was well received. It was somewhere about halfway into the statement that one judge lowered his head and turned to the judge next to him and began to laugh. Both laughed periodically throughout the remainder of the statement. It was obvious that they were so callous as not to realize that I had a clear view of their unprofessional attitude.

The coaches advised us to object when we felt that it was necessary, even if we didn't know the name or number of the exact objection, because it would let the judges know that we were on top of our game. The trial court board judges criticized us for doing exactly that. They went on to complement the other team on keeping quiet and "making a face like you knew what was going on." If I had known this was a competition about facial expressions, I wouldn't have wasted my time preparing a case and learning so many objections.

The worst moment of the entire competition came after the second trial when the trial court board judges decided to give feedback. Immediately after the judge of the trial complimented me on my opening statement and said that I clearly outlined three themes, which she accurately named, one of the trial court judges told me that he disagreed with her. He said that he could not identify any themes in my opening argument. It's possible that this was a result of his laughing during my opening statement rather than paying attention. He went on to say, "I wasn't sure whether to vote for you or what, maybe because I liked your head-wrap or something." The statement was obviously grammatically incorrect, but more than that it was terribly offensive.

I am a Muslim and as such I am required to cover my hair. I am judged regularly by my appearance but I was sure that this was a trial court competition and not a beauty pageant. Regardless of the judge's intentions, the comment about my scarf was inappropriate and uncalled for. The comment was an outright admission that my appearance played a role in his thought process while scoring me.

Overall, the competition was completely unprofessional from start to finish. The weeks of preparation and skills that we developed were to no avail in light of the people who judged us. I took the advice that was given to me, presented a case in front of a critic, and was judged under an incomprehensible standard. Hopefully all of the members of Trial Court Board will be on the same wavelength and professional level in the future so that this type of frustration can be avoided. Upon bringing the aforementioned to the attention of the President of the Board, I have yet to receive a detailed response.



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NEWS FROM THE GW COMMUNITY

Early Eating Option

For those GW law students in a mad dash to class, a new eating option has become available in J-Street, located on the first floor of the Marvin Center, based upon student response. Effective Monday, October 21st, the GW Dining Services Commission now offers a Grab & Go section at the deli in J-Street starting at 11 a.m. However, this arrangement is being offered on a trial basis, and may not be available in the long-term future. Students will be able to pay for their sandwiches through GW Debit Dollars and cash.

It's Almost New

For those law students seeking to save a buck or two but still interested in getting some outside help in their courses, the Student Bar Association is continuing its book sale throughout the remainder of the semester. On Tuesdays, Wednesdays, and Thursdays from 4 to 6 p.m. in the SBA Office, students have the opportunity to purchase used study guides, supplements, law firm guides, and exam tip books.

Typing Hell

Following the success of the experiment from last semester, the Law School will now be offering laptop exams for a wider range of courses, implementing the option on a full-scale level starting this semester. Students wishing to put their laptops to additional use will be required to fill out a form online by November 18, 2002. The program, Extegrity, is available to students at www.extegrity.com. Students are able to sign up and later opt against taking an exam via laptop computer, but those who do not meet the deadline may or may not be given permission to do so. Exams consisting of essay and short-answer questions are primarily the ones that will be offered in laptop format.

You're Invited

On Friday, November 8, 2002, *The George Washington International Law Review* invites all to attend the Steven L. Cantor International Tax Symposium. Specifically, the symposium will take a policy perspective on how foreign income is handled by the U.S. taxation system. Steven L. Cantor is a graduate of the Law School, class of 1975, and the event is free to all who attend. Among those who will be participating are Professors Karen Brown and Robert Peroni, as well as faculty members from other law schools.

Hoops

For those awaiting for the University's participation in major collegiate athletics, the college basketball season is almost upon us. On Sunday, November 3, the GW men's basketball team opened up its exhibition season with a game against the Double Pump All-Stars. The next team on tap will be the Universal All-Stars, at 7 p.m. on November 14. The GW men's basketball team officially opens its regular season on November 25, when it travels to Hartford, Connecticut, in order to take on the University of Connecticut Huskies. GW men's basketball coach Karl Hobbs was a former assistant coach at UConn under Jim Calhoun. The team has not qualified for the NCAA Tournament since the 1997-98 season, although the program has been rebuilding in recent years. On the other side of the aisle, the GW women's basketball team will commence its exhibition schedule against the Chinese National Team on Tuesday, November 5th. The regular season begins for the women's team on November 22nd, when it takes on Howard University at 7 p.m. The GW women's basketball team has enjoyed more success over the past few years; last year, the women's team won 20 games.

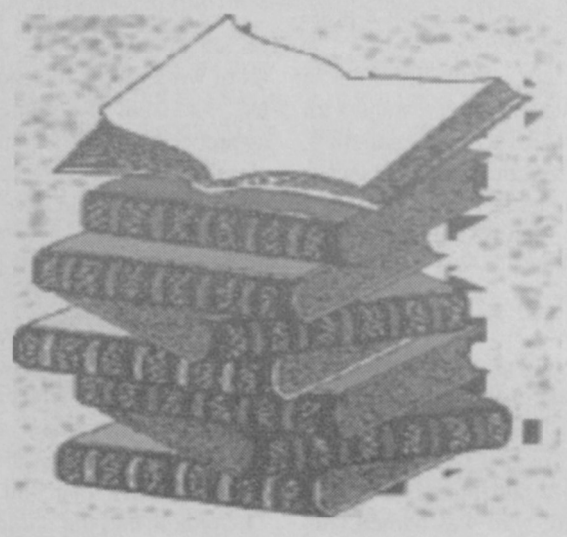
The SBA Beat

By Troy D. Byers
Staff Writer

Debate at the most recent SBA meeting this week erupted into a heated symposium that questioned the very purpose of the representatives. Sarah Mullen, 1L evening student, *in absentia*, had expressed interest in filling the vacant 1L Evening Section representative position, but conflict between her LRW class and the Tuesday night SBA meetings precluded an easy confirmation. At least one of members questioned what, besides attending the Tuesday evening meetings, was the purpose of being a section representative. Perhaps the greatest stumbling block to the confirmation was language in the Constitution calling for the automatic expulsion of members absent from more than five meetings. In response to this provision, Mullen stated, "assume that the limit to the number of meetings a rep can miss is not designed to punish the 1L eve students, so I'm sure that something can be worked out." Recognizing the potential o-going conflict with evening representatives being precluded from representing their sections, SBA Vice President Josh Harris suggested the possibility of amending the Constitution to accommodate this problem.

The SBA also discussed the possibility of the shortening of the academic semester from fourteen weeks to thirteen weeks. The proposal is in its final stages of approval, waiting only for approval by the faculty meeting scheduled for the end of this month. One week would be taken from the end of the spring semester, and one from the beginning of the fall, thus extending summer break by two weeks. Mike Silver, a 2L representative who is working on the project, expressed the benefits of the new scheme. " There will be [m]ore time during summer for students to earn money at firms or other jobs, and more time for faculty to do research and be with their families," he explained. This extra week isn free however, as classes will be extended to sixty minutes, and breaks between classes will be fifteen minutes. When initially proposed last year, many students expressed concern with the idea of the reading and exam periods being shortened, but this, however, will not be the case. When asked about the new system, Nicholas K. Dietz, 2L, explained, "[o]ver the course of a semester, you may not notice the addition or subtraction of one week, but you most definitely will notice an extra ten minutes added to every one of your classes every single day of the school year." While his sentiments do seem to mirror concerns of a large number of the student body, it seems that the new schedule will be the next change in the life of the student body at large.

Another proposal to come out of the meeting is to keep the second-floor north library entrance open later in the evening. While this problem has been voiced and on the table since at least the beginning of the year, funding for an extra hour of accessibility has not been forthcoming. Suggestions abound of taking volunteers to cover the entrance during an extended evening period. Jennifer Amira, 2L, had a unique perspective to offer on the issue. "Basically my concern is safety, and keeping that door open later would make me feel a bit safer late at night when I have to go to my locker," she said. "Most nights I will just take my books home with me to avoid wandering the empty halls alone."



The SA Report

Smoother Sailing in the Senate

By John Lovrich
Staff Writer

The Student Association met again on October 29th to address the concerns of the student body. Although this meeting did not deal with the budget issues that were discussed at past meetings, there were still some contentious debates.

One of the current issues engulfing the SA was the potential impeachment of SA President Phil Robinson. Robinson himself came to the SA meeting, and he immediately addressed this issue, stating, "[Let's] get together and squash the beef.... If [someone] isn't interested in working it out, then there's no place for you here." This was met with strong approval from several other Senators present at the meeting, as illustrated by Senator Karen Gagnon (SPHHS-U), who specifically thanked Robinson for confronting the matter in such "a frank manner."

Executive Vice President Eric Daleo commented, "I'm just excited that we're getting back to addressing student concerns. I left the meeting feeling like we had accomplished something-- in part, because of President Robinson's speech. This was the most thorough and comprehensive President's Report I've heard in a while. Phil set a clear direction for the Student Association in his speech tackling student life and academic issues and I think we all want to work with him to accomplish those goals."

The "beef" that Robinson was referring to in his statement was brought to a head after a recent article written in *The GW Hatchet*, which discussed Robinson's possible impeachment. The issue was not discussed at the meeting after the President's address.

The rest of the meeting was devoted primarily to bills brought up for the SA's approval. One of Law School Senator Mark Hershfield's bills was met with relative disapproval. Specifically, Hershfield was attempting to pass legislation that would ensure that "no member of the Finance Committee may serve in an executive capacity with any organization that directly receives funds from the Student Association." The bill was sent back to committee, in part because Rules Committee Chairman Senator J.P. Blackford held it to be unnecessary legislation. "We already have provisions for these circumstances [written into the Senate bylaws]," he said. "What next?" Still, the SA may reconsider this bill in the future.

Many other of legislation were passed, however. The Finance Committee brought a bill to amend the SA bylaws, stating that "all appropriations from the Student Association General Fund for the Student Association Executive, Legislative and Judicial shall originate in the Stu-

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News

Trial Court Competition Goes the Distance

By Brandon Briscoe
Staff Writer

The Trial Court Board unveiled a new format for its fall 2L and 3L competition, which concluded with a championship trial in the Moot Court Room Wednesday, October 23rd. In the final round, Jorge Correa and Kathleen Haralson edged out finalists Jeff Flores and Abihail Garcia in a nearly three-hour trial before a panel of two D.C. Superior Court judges and a practicing lawyer.

The Finalists: Jorge Carrera and Kathleen Haralson (seated) and Abihail Gargcia and Jeff Flores (standing). Photo by Brandon Briscoe

The primary alteration of the competition's format was the addition of a series of head-to-head trials after an initial round, narrowing the field until a champion was selected. Competitors grouped in teams of two were given facts and evidence concerning a murder charge against a police officer who fired in self-defense. Each team prepared the case from both a prosecution and defense posture.

The competitors wrote motions in limine and attended training sessions with board members weeks before competing. The 28 teams argued both sides of the case in preliminary rounds at the D.C. District Courthouse on Saturday, October 19th, and the top eight teams returned Sunday for elimination rounds. Last year, competitors argued only one side.

Many competitors who advanced in the competition found the experience tiring. "Considering I did fifteen hours of unbilled litigation over a five-day period, it was exhausting," said Flores. Competitor Jaclyn Gerhard, who was named Outstanding Advocate, agreed. "It was exhausting. When I found out I had to go on Sunday, I went to bed right at nine. It was a long day the next day, but we understood that going in."

Even the judges grew weary as the competition stretched into its final hours in the championship round. When the defense team moved for judgment at the close of the prosecution's case, Senior Judge Truman Morrison, III, who teaches the Law School's Craft of Judging course, instructed the prosecution to respond to the motion in ten words or fewer. "I wouldn't usually do this, but it's 8:30," he said. Flores rifled back, "Motion premature – reasonable inference for the trier of fact," bringing down the house in laughter and applause. The motion was denied.

Despite the grueling schedule, both board members and competitors considered the competition a success. "Yes, it was a long weekend," said board member Chris Hamner. "But it's much more fun to have the elimination rounds." Flores said the large turnout of spectators in the final round was particularly inspiring. "When you have an audience and real judges before you, your mind operates on another level," he said

Board member Ann O'Connell, who along with Alastair Wood, Rohan Virginkar, and Samara Robinson delivered entertaining performances as witnesses in the final trial, said the extended format gives competitors more incentive. "People are more willing to invest time in preparing if they know that they don't just show up on Saturday and do one trial. The amount of work I saw was outstanding," she said.

Hamner, who coached several teams before the competition, agreed that the competitors he coached invested a great deal of effort and performed well. "I was proud of all of them – they all worked very hard, and their success is reflective of that."

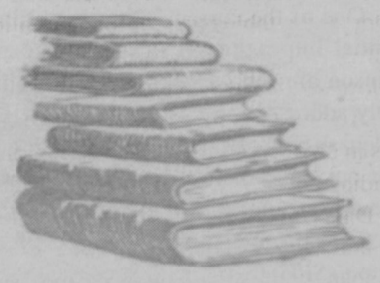
Gerhard said she is seeing a return on her investment. "It was fun – it was a lot of work, but in the end it really helped a lot," she said. "I definitely have a greater awareness of what's going on in Evidence class." Said Flores, "I've learned so much more so than I could have learned in a classroom setting."

Competitors in the fall event earn one hour of academic credit for their work, which for many included intense training with board-member coaches. "It's hard to get teams completely prepared given the short amount of time," said Hamner, "but my teams focused on the main points and did their best – that's all you can ask for." O'Connell said the competition is instructive for board members, too. "Even as a witness, it helps you refine your skills as an attorney," she said, noting that she has a new appreciation for the tricks used by witnesses in trials. O'Connell, for example, was unflinching as a witness in facing the jury while speaking, despite repeated attempts by her cross-examiner to draw her attention elsewhere.

Judges named 25 competitors to the Board, which drew some criticism from competitors as being too many. But Hamner justified the numerous selections, citing the Board's low membership numbers and the large amount of work done by competitors for the fall competition. The spring competition, which is open to 1Ls, requires much less preparation, he said.

The final round was held in conjunction with a dedication ceremony for the renovated Moot Court room held immediately preceding the trial. Receptions followed both the dedication and the trial, helping draw about fifty spectators throughout the evening. Many students turned out to support friends who were competing in the final round.

Morrison was joined on the bench for the final round by Judge Natalia Combs-Greene of the D.C. Superior Court and Thomas Carr of Baker Botts LLP, whose firm joined Fulbright & Jowarski and Nixon Peabody in providing multiple attorneys to serve as practitioner judges in the preliminary rounds. O'Connell said she was impressed by the practitioner judges who often helped competitors through tricky evidence rules or procedural issues during the trials. "They were very helpful and would explain the rules to the competitors," she said. "And that's the point – this was an academic exercise."



Committee Looks to Students, Faculty to Design Curriculum

By Alexander Saunders
Staff Writer

The Curriculum Committee is the body responsible for making a variety of decisions regarding students' classes and academics. This committee is concerned with topics as wide-ranging as what classes are made requirements and whether current grade distributions are appropriate. " A Curriculum Committee is essential to surface, explore, investigate and recommend curricular and other policy changes that help make the Law School a better place in which to teach and learn," explained Dean Jeffrey S. Gutman.

Dean Jeffrey Gutman, Chair of the Curriculum Committeei

This committee is composed of teachers, faculty, and student representatives. Currently on the committee are Professors Steven L. Schooner, Robert Tuttle, Shi-Ling Hsu, Ralph G. Steinhardt, Karen B. Brown, Alfreda Robinson, Orin S. Kerr, and C. Thomas Dienes. The student representatives are selected and appointed by the SBA. There are currently six student representatives taking part in the process of selecting and modifying courses. These students have access to all the same information as faculty does so that they can make an informed decision about a proposal or modification. According to Gutman, the current term of student representatives have not made original proposals, but are instead involved more heavily in modifications to preexisting classes.

There is a concern that GW law students may be at a disadvantage in comparison with students from other schools if GW's mean grade distribution is lower than those of other schools.

The chair of the committee, Gutman, conducts the faculty meetings that are ultimately where a proposal is either approved or rejected. The majority of the attending faculty makes these decisions. "It happens sometimes that the faculty might move that a proposal be amended," said Gutman. In this case, according to Gutman, the proposal goes back to the Curriculum Committee for alteration.

There are three basic areas, which Gutman sees as the vital functions of the Curriculum Committee. One is the process of considering and formulating new classes. This is done usually by professors who submit a memo proposal that is then considered by the committee. After alterations and preparations are made to the proposal it goes to a vote with the entire faculty.

Another area in which the Curriculum Committee is involved is the modification of current classes. Gutman explained that a good illustration of this modification process might be making some classes prerequisites for others or changing the number of credit hours for a certain class. "We might consider whether to make an existing two-credit-hour class a three-credit-hour class," said Gutman. "Or we might say X is a prerequisite for Y."

The third area of concern for the committee is the larger policy considerations. With respect to general policy matters, the students' competitiveness in the marketplace is a consideration. Gutman cited recent issues regarding the Law School's grade distribution policy. There is a concern that GW law students may be at a disadvantage in comparison with students from other schools if GW's mean grade distribution is lower than those of other schools.

Another broad policy issue Gutman referred to is the question of whether domestic L.L.M students should be required to write a thesis. Currently, all L.L.M students who were graduates of U.S. schools must write a thesis. A current proposal is now considering whether this requirement should be lessened or removed altogether. Thus, this is a committee active on both the J.D. and L.L.M. levels.

News

Exploring Hate Crimes Against South Asians and Arab Americans

By John Lovrich
Staff Writer

Since September 11, 2001, the treatment of South Asian and Arab Americans has received a great deal of attention. It has been well documented that these groups have been the targets of several hate crimes. On October 22, 2002, these issues, along with anti-South Asian sentiment in general, were dealt with during the showing of the documentary film, "Raising Our Voices: South Asian Americans Address Hate."

One of the driving forces behind the documentary, Deepa Iyer, was on hand to present the film to the Law School. She gave a few introductory comments before showing the film. Afterwards, she fielded questions from the audience. The piece, as Iyer explained in her opening comments, was almost completed before the 9/11 attacks. Anti-South Asian crimes had already been on the rise for the two preceding years. However, more hate crimes against these communities took place in the week following the 9/11 attacks than had been committed during the previous two years. The South Asian American Leadership Team (SAALT) estimated that well over 600 hate crimes took place during the week after 9/11 occurred.

Still, according to Iyer the situation is far from resolved. "There is a concern in these communities that there could be an increase in hate crimes [in the near future]," said Iyer. "If and when something happens in Iraq, things could become much worse," she added.

One of Iyer's key points was that, both before and after the terrorist attacks of 9/11, South Asians in general have been hesitant to come forward with hate-crime-related complaints. The students who had come to the lecture corroborated this feeling. Gopal Balachandran, Co-President of the Asian Pacific American Bar Association (APABA) experienced this sentiment within his own family. "During the Iranian hostage crisis, my family was often subjected to vandalism and graffiti around our house, and even on our driveway. And, now, when these things happen, you just try to look beyond it." Reena Ganbhu, co-President of APABA, shared this sentiment. "You just try not to focus on it, even when it is happening to you," she said.

Even though these ethnic groups have suffered a great deal recently, the students at the lecture were more concerned with the bigger picture. "These things hold back the community on a whole," maintained Shana Ali, an APABA member. Whenever violence is directed at specific groups of people, she added, "it affects us all."

Certain geographic areas have been able to avoid the recent rash of hate crimes in the United States. "I haven't seen or heard of anything bad back home [in Texas]," said Sudarshan, a South Asian American. Sudarshan added, "It just hasn't affected me that much personally." She went on to point out that contrary to popular belief, Texas has very strong hate crime laws. Sudarshan owed the relative tranquility of her experience in her home state of Texas to its laws, which she indicated are often seen as slanted unfairly *against* minority interests. "It's just not happening there," she said.

The student attending this presentation indicated that there is still much work to do, and much anger and hatred to work against. Iyer appeared to voice the concerns that many Americans have about the restriction of civil liberties since the 9/11 attacks. Iyer's film, and the student and faculty at the presentation, attempted to show the strength of a collective commitment to justice.

Forget Safeway, Try Kogan Plaza Farmer's Market

By Elizabeth Austern
Staff Writer

GW held a farmers market on Wednesday, Oct. 23rd in Kogan Plaza from 10 a.m. to 4 p.m., in what participants hope will be a continuing tradition. Unfortunately, much of the law school community did not know about the event in time to take advantage of it.

The GWU Student Association and a group of independent students headed by GW senior Joshua Singer hosted the market. Besides a fresh produce distributor who sold produce grown mainly by Amish farmers, there were several jewelry and knick-knack vendors, a scented soap and bath-oil vendor, and a table representing a political organization that advocates fair trade with the third world.

The vendors were culled from participants in other markets all over the DC area, including Eastern Market in SE Washington. Dan Donahue, who ran the produce tent, and Chris Thigpen, who owns Epicurean soap, both participate in Eastern Market on weekends. Some of the other vendors at the market had sold out of booths in Kogan Plaza before. "It's our first time at GW, but I'd love to do it again," said Thigpen. "Sorry about the line," joked Donahue, "but we didn't expect that kind of turnout." He emphasized his company's slogan, "'Your good taste is our success.'" Donahue's assistant, Sarah Connerly, added, "The GW community is incredibly underserved. There really isn't anywhere to get good fresh vegetables near to campus."

Thigpen, who has a business degree from the University of Louisville and worked for IBM and Kodak as a marketing executive for fifteen years before leaving to try running his own business, said Singer and the other students "really did their homework in getting this thing together. I saw them at a lot of different markets. They saw who was busy and who was at more than one place, and those are the [vendors] they tried to get." He added that the university did not make it easy for the student group to host this kind of event. There is a $3000 fee the school charges every time the student organization wants to hold a market ($1000 for security, $1000 for rent of the space, and $1000 for insurance), and they can only charge $30-$50 to each vendor. As there were only ten vendors, the organization has limited ability to host many of this type of event.

The market was not well publicized in advance at the law school, according to most of the students interviewed for this article, so many law students were unaware of it until it was too late. "I didn't know about it until after," complained Kristen Younger, a 1L. Students may get another chance. The SA would like to make the market a monthly event, but at the time of this writing no one at the SA could be reached to comment on the availability of financing. The next market has been tentatively scheduled for November 20th.

Inside the Faculty

By Brandon Briscoe
Staff Writer

The law school may not be moving into Stuart Hall as early as expected, possibly disrupting plans to have smaller first-year sections next fall, Dean Young announced at a faculty meeting Friday, November 1. The faculty also heard concerns about the number of female professors, approved a plan to limit course offerings available to students who take the new Law 470 intellectual property survey course, and voted to extend offers to add two professors to their ranks.

"We've been telling you for some time that the Elliot School is moving out at Christmas," Young said, "but all of the sudden they've discovered this may not be possible." The Elliot School had been slated to move into its new building on E Street in January, leaving Stuart Hall for the law school's use. Young said the situation was not entirely clear and more discussion would follow. Even with some delay, architects have said Stuart Hall may still be completed in time for the fall semester.

The development, however, could put in jeopardy plans to place next year's first-year students in smaller sections, a move dependent on the availability of the additional classroom space. The faculty voted Friday to add Torts to the list of classes to be taught in small sections of 36 students for all first-year, daytime students. With the addition of Torts, all fall semester, first-year classes would be small sections intended to ease the transition into the rigors of law school, said Dean Roger Transgrud. The faculty voted Friday to apply the same grading criteria to the small sections as used in large classes.

These plans also impact the concerns raised at the meeting by Professor Theresa Gabaldon about the number and role of female professors at the law school, who noted that "a single stall in the lavatory would do nicely" for a meeting of female professors teaching first year classes. "This condition is no one's fault," she said.

Gabaldon said Professor Larry Mitchell told her the lack of female instructors for first-year classes was not the most important issue. "'It's more important for women to teach what they want and more important to focus on the overall number of women professors here,'" she quoted him as saying.

Gabaldon praised the deans as being "absolutely magnificent" about allowing professors to teach the courses they want to teach, but said there are 14 women and 48 men tenured or on the tenure track. Since she joined the faculty, she said, there have been 9 female hires and 22 male hires. "It's something to think about she said," emphasizing that she placed blame on no one for the situation.

Dean Transgrud acknowledged the problem but said diversity was an important factor considered when assigning faculty to first-year courses. "We have fewer women than we'd like," he said. "But it is true that several of our professors who have taught first-year classes in the past are either on leave or decided to teach upper-level classes this year." Transgrud also pointed out that there will be more female professors teaching first-year classes in the spring semester.

"The position of the Dean's Office is that we'd like to have as much diversity as we can in the teachers who are teaching each of the sections. We strive for that, but we don't always achieve that in all five sections each year," he said. In addition to gender, Transgrud said age, minority status, and liberal/conservative viewpoints were among the many factors considered in determining which professors teach which sections.

The issue was particularly relevant at Friday's meeting when the faculty considered extending offers to two professors, both male. Gabaldon said she intended to speak in favor of one of the candidates during the meeting's closed session and did not intend her comments to influence the faculty's decisions about the two candidates.

Gabaldon spoke extensively to ease the tone of the issue, explaining that she did not voice her concerns with the deans or the appointments committee because they were not at fault. Still, she was worried that her comments might not be received well by the faculty.

"The worst case scenario is that this will cause a firestorm of controversy and the best case is that it will go over like a lead balloon. My students would tell you I'm no stranger to lead in my balloon," she said. "And I know the faculty is too sensible to let that happen anyway."

"This to my mind certainly isn't anything scary or unpleasant," she said. "I think this can be viewed as an opportunity rather than something to fear." No further discussion was held on the matter during the meeting.

If small sections are taught next year, it's likely that more women will teach first-year classes. "We are still on track to have small sections in the first year, and we will be asking an appreciably larger percent of you to teach first-year classes," Dean Young told the faculty. Transgrud said this will help ease the shortage of women teachers in 1L classes. "Instead of 16 teachers teaching in the fall, there will be substantially more – probably closer to 25 – and I hope that would mean there would be more women teaching in the fall."

The faculty also approved a proposal by Professor Roger Schechter to give professors who teach Copyright, Patent Law, and Trademark the option to refuse students who have already taken a new Intellectual Property survey course to be taught by Professor Jonathan Siegel in the spring. Schechter said the large overlap of the new survey course and the more focused classes meant that students would receive credit for doing the same work twice and that professors would struggle to balance class discussion among students new to the material and those who have already covered the few key Supreme Court cases in the field.

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News

Getting Ready for Mid-Term Elections

By Mark Hershfield
Editor-in-Chief

With the national midterm elections just around the corner, students and political groups on campus are gearing up. Many students at the Law School will be actively participating in the election by going to polls on Election Day. When asked whether she was going to vote, Shanna Singh, a 1L and a member of the GW Law Democrats, responded "absolutely." She attributed her intent on voting to a lesson learned almost two years ago. "Like we learned in Florida, one vote can make the difference," she said. Others surveyed indicated they were either going to the polls or sending in absentee ballots. "I will be voting," SBA President De Famuyiwa, a 3L, indicated. "Whoever gets into office will determine policies that will affect us in one way or another. Voting is the best way to determine who makes those policies that affect us," he explained.

Not all students, however, are as excited about the upcoming elections. Dan Weinberger, a 1L and a resident of Florida, indicated that he would "probably not be voting." He explained his lack of interest in elections to be due to the fact that "what each [political party] tells us is a lie anyway." Kris Hart, the Director of Public Relations for the GW College Republicans, noted that this sentiment was not abnormal on the campus as he acknowledged that "student participation on the GW campus is unfortunately low."

Jason Karasik, a 1L, indicated that he would be voting, but he felt that "less than a majority" of his peers would be voting. Others indicated that they felt only "thirty percent" of law students would be voting in this year's election. Weinberger attributed this to the fact that the Law School "doesn't seem quite as political as I thought it would be." Famuyiwa echoed these sentiments as he stated that, "very few students will probably vote." He attributed his prediction to the fact that he didn't "hear many law students discussing the upcoming elections."

Student groups, on the other hand, have been attempting to increase student interest in the upcoming elections for months. The GW College Democrats, according to Political Affairs Director Laila Hasan, have been organizing various campaign trips to places like South Dakota over the past couple months, including a trip to New Jersey to support former Democratic Senator Frank Lautenberg during the weekend before and the week of the election. Hart noted that the GW College Republicans had sponsored campaign trips to North Carolina, Virginia, Maryland, and New Jersey to help several Republican candidates.

Hasan pointed out that there has "definitely been a lot of interest" [in campaign trips]," but she went on to indicate that "people want to do more, but scheduling gets in the way." Aaron Tax, President of the GW Law Democrats, indicated that his organization has been "passing along this information" to its membership.

Many students who were planning on voting indicated that this year's election is a crucial one. "[This election] is incredibly crucial … very key," said Singh. Tax expressed his opinion that this election is an important one, because of the implication for both political parties.

In Maryland and the District, polls are open from 7 a.m. to 8 p.m. on Tuesday, November 5. In Virginia, the polls are open from 6 a.m. to 7 p.m. Students will have options on where to view the election results. Tax indicated that the GW Law Democrats are hosting an Election Watch party at a local bar with the Georgetown Law Democrats. Hasan and Hart also mentioned and members of the GW Programs Board confirmed that there is going to be a watch party on campus on Election Eve.

Law School Nights

By Jane Yanovsky
Staff Writer

As the clock strikes 6 p.m., the atmosphere changes at the law school. The day students head back home as the evening students arrive. The Evening Law Student Association (ELSA) is the representative body of the evening students. As its name suggests, ELSA caters to the diverse interests, schedules, and concerns of the students in the evening sections, from 1Ls to 4Ls. The organization serves as the voice of the students in negotiations with the administration of the Law School and of the University at large. It also enables the aspiring but very busy lawyers-to-be, normally preoccupied with full-time jobs and families, to have the opportunity to meet their classmates in social settings. The group receives funding from the Student Bar Association and opens its membership to all evening students, said Elif Yarnall-Cuceloglu, the organization's Vice-President.

The two main components of the ELSA's agenda for this year are parking on campus and the proposed introduction of the shortened school year. While these issues affect all GW law students, the scarcity of available parking poses a particularly difficult obstacle to many evening students who have to quickly transport themselves from their full-time jobs to school in time for class. Yarnall-Cuceloglu stated that the group met "twice last year" with members of the Law School and University administrations, as well as with representatives of the various parking services in the vicinity to discuss the problem. ELSA looks forward to producing a workable solution that would reduce the parking rates and/or increase the number of parking spots open to students in the course of the year.

The possibility that law school semesters will be reduced to thirteen weeks from the current fourteen-week format has also been a point of agitated debate. While this change would affect both day and night sections, the added class hours per week would extend the day of a full-time employed evening student into the night, possibly as late at 10PM. Yarnall-Cuceloglu explained that students are concerned about the decrease in the number of reading days, and the time crunch that would be imposed on their study schedules. ELSA has gathered student feedback through section surveys, which will provide valuable input in its negotiations with the administration.

Given the jam-packed schedules of the night section students, one might ask when, and how, do these extremely busy people find time to talk to each other about anything other than Torts homework or LRW memos? Time being of the essence, ELSA encourages its members to make the most of the already existing Law School social and professional development activities, while actively organizing events geared specifically to evening students. ELSA recently sponsored a Thirsty Thursday event for all law students, and will probably host a Bar Review in the spring semester. Outings to such local favorites as Mackey's, as well as weekend activities planned around students' work schedules and family commitments also provide a great opportunity for people to meet and get to know each other outside of class, according to the Vice-President of the ELSA. In order to help all ELSA members balance school with the real world, the group also organizes Question/Answer panels, as well as outlining tip sessions and post-final celebrations. ELSA's board members have also tried to work with other law school organizations to schedule events at times when more evening students can attend.

At the point of mid-year review, ELSA has high hopes that its efforts in resolving the parking problem and ensuring fair consideration of evening students' interests in the change of the school calendar will come to fruition in the near future, said Yarnall-Cuceloglu. ELSA encourages all members of the GW Law School community to take advantage of its offerings and all evening students to address their concerns to the organization.

ABDULLAH FROM PAGE 1

regions of Afghanistan would be represented in this early phase of rebuilding. "The recent story of Afghanistan is an amazing one," stated Abdullah.

The Afghan Foreign Minister then contrasted his optimistic dialogue with a tone of continuing concern about the security of his country. "Security is the new challenge," he explained. "Even though Al-Qaeda and the Taliban have been defeated they still pose a security threat. There have been some security incidents and unfortunately they may happen again," he cautioned. Abdullah felt that the need for security could only be satisfied with a strong national army and police force. Upon achieving security, the foreign minister hopes that the international community will be willing to receive Afghanistan as an ally and a trading partner.

According to Abdullah, good relations with Afghanistan's neighbors in the region will be possible because of common interests and commerce, and this will be critical to the country's reconstruction. Abdullah hopes to establish friendly relations and insure cooperation in establishing stability in the area. "[Neighbors] can benefit greatly from Afghanistan economically," said Abdullah. "Afghanistan stands at a crossroad of trade and culture."

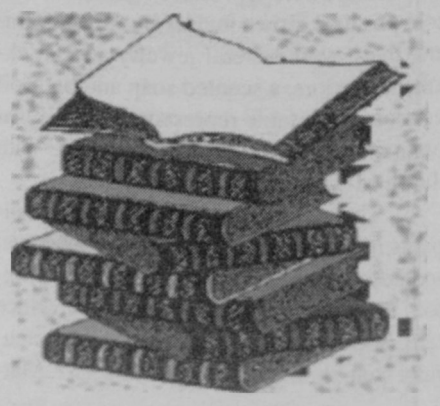
The foreign minister expressed special concern about Pakistan. "Some terrorist elements in Pakistan remain in some isolated regions," he explained. "We don't want to hurt any country and do not want to be hurt by any country. We hope that [Pakistani] President [Pervez] Musharaaf will be able to control these elements," he said. Abdullah felt that there is a lot at stake for Pakistan as it stands to benefit from the prosperity of Afghanistan. A plan to construct an oil pipeline through Afghanistan to Pakistan points out the potential for economic cooperation between the two countries. "Trade and transit—these are areas where the region can benefit," said Abdullah.

Among the concerns for the foreign minister is the serious humanitarian problems his country faces. Twenty-three years of war and drought have created many problems for the people of Afghanistan. Renewed stability has allowed for 1.6 million refugees to return to Afghanistan, and one million internally displaced people have been already able to return to their homes.

Reconstruction will require economic assistance as well. At a recent Tokyo conference, the international community pledged support to Afghanistan in the amount of $4.5 billion over the next two to four years. Abdullah is concerned, however, that several key areas of this economic assistance were not thoroughly defined. Most of the money has been donated for humanitarian aid, but little has been given for the purpose of reconstruction. Some countries have not specified whether their pledges are in the form of money or credit. Abdullah feels that these concerns, along with the difficulty of working through bureaucratic channels, will pose some obstacles to reconstruction. He felt that this effect will be somewhat offset by generosity from the United States and possibly additional help from Japan and Saudi Arabia.

Abdullah gave two examples to illustrate some of the humanitarian problems in Afghanistan. The first example he offered was one pertaining to his field of professional expertise: ophthalmology. Of the utmost concern to Abdullah was the fundamental inadequacy of Afghanistan's ability to treat the eyes of its population. In a country of twenty-four million people, he pointed out that there are only four ophthalmology clinics. "Cataracts means blindness for ninety-five percent of those who suffer from cataracts," said Abdullah. Second, the foreign minister spoke about the state of the education system in his country, in order to illustrate the ongoing humanitarian challenges. According to Abdullah, three million students have returned to school since the fall of the Taliban. The schools were only prepared to handle half as many students. This, according to the foreign minister, has created a shortage of books, teachers, and supplies.

Despite a present need for support from international allies, Abdullah expressed optimism about Afghanistan's ability to stand on its own feet in the near future. Gas and mineral wealth, along with a good geographic location for trade and hardworking people, are the keys to future economic success, according to the foreign minister. "This is the first time our country has been given such opportunities," said Abdullah.



Continued News

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ried about being arrested despite the hundreds who were detained in September. "If you're exercising your rights in a peaceful fashion, nothing is going to happen," she said, adding that protesting was an important part of the effort to change the administration's policies. "Efforts have to be made on all fronts, but just the very act of dissenting is socially positive."

Saturday's protestors featured more creativity than dissent, however. Several protestors sported T-shirts with the McDonalds golden arches turned upside down to form the "W" initial in George Bush's name. Many carried signs reading, "Drop Bush, Not Bombs." Other protestors provided entertainment for the thousands gathered. A Korean drum line drew a large audience when it performed a choreographed routine complete with costumes.

And while most people expressed gratitude to the law students serving as legal observers, some were not above cracking a joke. Said one bystander, "It's nice to see the law school out here – are you here to protest or drum up business?" For the observers, business was slow. Police reported only three arrests. Said Barham, "There's no police – it's just bizarre."

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dent Association Senate Finance Committee." Senator Omar Woodward (ESIA-U) also brought a bill for "the Establishment of an Islamic Student Center." In bringing the up bill, Woodward said "Muslim students have nowhere to pray…. Right now, they are praying in the basement of a church." In light of the "growing Muslim community attending this university," Woodward argued that more room must be located to adequately meet the needs of Muslim students. These two pieces of legislation were passed, along with several other resolutions on various topics.

Finally there were brief comments relating to the recently passed SA budget. Senator Blake Newmark (CCAS-G) instructed that "student groups can increase their allocation as the year goes on." Thus, Newmark implied that those groups that did not receive their anticipated level of funding still have a chance to petition the SA to increase their funding later in the year; they will then have another opportunity to present their case to the Senate.

Editor's Note: The Editor-in-Chief of this publication, Mark Hershfield, is a Student Association Senator. Mr. Hershfield took no part in the editing of this article..

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tion by W. Taylor Revely III, Dean of the Marshall-Wythe School of Law at W&M, from the other Courtroom 21 location.

Other speakers at the event included University President Stephen Trachtenberg, who received his law degree from Yale; Law School Dean Michael K. Young; and the Honorable Rufus G. King III, Chief Judge of the Superior Court of the District of Columbia. Chief Judge King, in particular, highlighted the increasing importance of educating future lawyers on the use of technology in the judicial system while they are still within an academic setting.

Trachtenberg commented that the renovation of the courtroom would help increase the law school's prominence as an academic institution. "I am a great believer in the material representations of the substance of the school," he said, "The building makes the school. People believe in what they see. This will help attract very good students and very good people who see in the facility what the school can do."

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A lengthy debate preceded the plan's approval with several professors noting the overlap in other areas of the law and the benefits of studying material twice. Professor Richard Pierce told the faculty he encountered overlap often and found it beneficial. "Invariably, students come to me with wild, interesting perspectives on the law – and they're always screwed up because one of you guys got to them first," he joked.

Professor Robert Brauneis said he does not plan to exclude students from his class who have taken the survey course because his syllabus differs enough, but he felt that professors should have the option. "It's a matter of integrity in granting academic credit when a professor who is teaching one of these three courses takes a look at the intellectual property syllabus and his syllabus and sees a one-third overlap."

The faculty also approved an advanced anti-trust seminar and two courses on international trade to be taught by Dean Raj Bhala as part of the Singapore Trade Academy. Transgrud said the Academy will be similar to the Oxford summer program on human rights but would be in a different place and cover a different topic. He said he expects more summer programs closely affiliated with GW to begin in the coming years.

The faculty also voted to offer full, tenured positions to Frank Partnoy of San Diego University Law School and John Duffy of William and Mary Law School. The University's Board of Trustees will formally extend the offers if it approves the faculty's recommendation. If the offers are extended and accepted, Partnoy would likely teach Corporations and Securities, and Duffy would likely teach Torts and Patents.

2L Sarah Aiman who serves on the Appointments Committee told the faculty that Partnoy had overwhelming support, thanks in part to reports of groupies at San Diego University who follow him around and take all of his classes. Aiman said Duffy only merited a "cautious recommendation" because of concerns raised about his class organization and management, particularly in his Administrative law class.

The Appointments Committee has been busy. The two approvals Friday come on the heels of offers made to Professors Katherine Stone and David Bederman who have not yet made a decision. The committee will bring Goodwin Liu to campus this week for a full day of interviewing and plans to interview two more candidates this fall, said committee chairman Professor Stephen Saltzburg. Liu's wife works for Senator Hillary Clinton and is considered one of the most sought-after entry-level hires among law schools, he said.

The flurry of activity has yielded a few glitches, he said. At an event described by Aiman as a job fair for potential professors held at a hotel in Northwest D.C., Aiman was denied access by Marriot employees to the hotel room where the committee was interviewing candidates because Saltzburg held the committee badges for safekeeping. "If you don't pass out the badges ahead of time," he said, "you'll leave a student in the Marriot jail."

Battling Over Judicial Nominees

By Erika Turner
Staff Writer

Two influential figures squared off in a debate over the selection of federal judges October 22nd in GW Law's kick-off event to its 2002-2003 Enrichment Lecture Series. During "Selecting Federal Judges: Whose Advice. What Kind of Consent?" Mary Cheh, an Elyce Zenoff Research Professor of Law, moderated a discussion between Nan Aron, president of the Alliance for Justice, and C. Boyden Gray, a partner of Wilmer, Cutler and Pickering and White House counsel to former President George Bush.

The Alliance for Justice researches the background of candidates to federal courts. The organization provides information to the senate, the media, public interest bars, and the American Bar Association. The project was first implemented when former President Ronald Reagan ran for a second term. Aron told the audience that the project was created when the former president sought to appoint judges in order to carry out his social justice mission.

"The plan called for judges who opposed affirmative action, abortion...," Aron said. "It became clear that an organized effort was needed to do research about nominations to federal court."

Today, judges appointed by Republican Presidents dominate seven out of the thirteen federal circuits, said Aron.

"Bush was outspoken and clear in his intent to appoint conservative ideologists to the federal bench," she said. "These judges are anti-choice, anti-civil rights…almost every nominee has been one who shares a judicial philosophy much like [Justic Clarence] Thomas or [Justice Antonin] Scalia."

Aron defended the actions of Democratic congressmen who have recently blocked the approval of President Bush's conservative nominees. "They are outside

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Letters to the Editor

Columbus: Guilty as Charged

By Adam Nyhan, 2L Day

In the last edition of *Nota Bene*, Gualberto Garcia Jones offered a thoughtful response to posters that appeared on our campus on Columbus Day accusing Columbus of genocide and other atrocities. However, his analysis does not address the issues raised either by the posters or by those who argue that Columbus was not the hero that America still pretends he was. Gualberto is a friend of mine and he has studied Columbus more than I have. However, I have studied Columbus enough to believe that certain historical facts justify the accusation of his genocide.

Gualberto calls the allegations "ignorant and bigoted" and offers evidence, in the form of the Admiral's own diary entries, designed to rebut them. However, none of the facts or diary entries cited bear any relation to the allegations of genocide or other crimes. And they certainly do nothing to advance the claim that it is ignorance or bigotry – or anything else that's undesirable, for that matter – to criticize Columbus.

Gualberto pointed out that Columbus was "a merchant interested in commerce"; "a deeply religious man"; a man of "terrible conviction and self-assurance"; and a man who had an aesthetic appreciation for the ingenuity of the native North American peoples. These are of course undisputed facts.

But the debate is not about, and has never been about, the depth of Columbus' faith or the diligence with which he executed his fiduciary duty to his shareholders, Fernando and Isabel. The debate is *whether this individual (and his subordinates, at his direction) committed specific atrocities against the peoples of the Caribbean. While the debate is far too complex* to summarize here, it's possible to sample it by noting just a few of the facts that diligent historians have brought to light. Much of the Columbus-as-genocidaire debate focuses on events that the man ordered or encouraged during the six years that he served as Governor of the island of Espanola. One historian (Kirkpatrick Sale, The Conquest of Paradise) summarizes the original accounts recorded by Bartolome de las Casas and other contemporary historians who actually lived with Columbus on Espanola during this time, revealing a bloody record:

- Columbus permitted soldiers under his command to kill, dismember and torture several hundred Taino Indians for sport;

- from 1502 on, he ordered the forcible removal of an estimated several thousand native families and individuals onto "economiendas" (plantations) where they were forced to work as slaves and where thousands were raped, killed, and sometimes buried alive by the Spaniards;

- he directed the slaughter of an estimated several thousand unarmed and poorly armed Taino Indians by heavily armed Spanish soldiers on March 24, 1495;

- and he systematically administered summary executions and mutilations of countless Taino children, women and men.

I agree with Gualberto's suggestion that Christianity itself has often been put on trial, wrongly, for the actions of some of its followers. And certainly Columbus cannot be held personally responsible for the actions of all Europeans who followed his lead, or for the fact that the bacteria that he and other Europeans unwittingly brought to the Caribbean reduced the local population by several million people in the course of one generation. But assuming the truth of the accounts made by his friends and contemporaries, the genocide charge seems accurate enough even when applied strictly to this man himself.

Finally, I agree with Gualberto that a person's own words can sometimes be the best testament to his life. An example is this excerpt from Columbus' diary, which he wrote on the very first day that he arrived on the island that he renamed San Salvador, describing to Fernando and Isabel the use to which he was already planning to put the natives: "They ought to be good *servants and of good intelligence... I will carry off six of them at my departure to Your Highnesses, in order that they may learn to* speak." Apparently their own language didn't cut it. This was the mentality with which Columbus and his men viewed the native Caribbeans. It should not be a defense to say that Columbus – or Andrew Fastow, or Saddam Hussein, or a simple jaywalker, or any wrongdoer ever – did everything that he did with conviction, with faith, or with financial motivation. These things are all totally irrelevant.

We are law students, and it seems appropriate to consider these issues from a legal perspective. The reason this debate is important for lawyers today is that the issue in question here, genocide, is one of the crimes that in the last century has mobilized national governments to transform the law that applies within and between countries. The last hundred years have seen acts of genocide in every continent, on a scale unprecedented in the history of our species. In response the international community has committed itself to dozens of treaties and conventions meant to prevent genocide and other crimes.

Let me be clear that I am not attempting an academic exercise of applying twentieth-century international legal principles to actions taken by Columbus 500 years ago. Genocide as a legal term is a very specific crime defined by convention, by national statutes and by the International Court of Justice, and we would be missing the point if we debated whether the language of the 1948 Genocide Convention would convict Columbus today. Instead, the purpose of considering Columbus' genocide in relation to international law today is not to debate fine points of law but to recognize that this new body of international law demonstrates that the international community *as* an international community has begun finally to demand accountability for the crime – something that should have been done far earlier in our collective history. The United States has often been one of the world's strongest advocates for such accountability, and in that tradition we need to acknowledge the events that ultimately laid the foundation for the country we live in today.

I didn't put up those posters, and I don't know who did. I am not an American Indian, Carib or Taino, and do not pretend to speak for them. As an American citizen, though, I intend to raise children someday in this amazing country that I love, *and I'm going to insist that they have an opportunity that my own public schools* denied me, which is to learn the rest of the history of my country, even its darkest parts. I know that Gualberto did not intend to excuse Columbus' acts. However, studying the law in the District named in his honor, on the day named in his honor, it strikes me as baffling to dismiss as "ignorant and bigoted" a poster asking us to reflect on the basic historical facts that our historians have struggled so long to conceal. We need this debate desperately, and I'd love to continue it with anybody who's interested (e-mail me at anyhan@law.gwu.edu to agree or disagree with me).

In the end the question is simple. How long is it going to take us as a society to admit the truth behind our foundation myths? We're closing on 511 years. Hasn't this gone on long enough?

Concerns About Vaccine Verdict

By Jackson Jones, 2nd Year Medical Student

I am a medical student at George Washington University and I would like to personally congratulate the three law students who participated in the vaccine lawsuit. Not only did you bring a claim against one of the most important vaccines in the history of this country, you won it with NO EVIDENCE SUPPORTING YOUR SIDE. Some biologists might liken you parasites. Doctors would call your actions legalized robbery. The lay people might call your actions just plain evil. I think they would all miss the mark though. In the words of your Professor Meyers, it "was just exceptionally creative lawyering".

After all, look at what you accomplished. You took money away from somebody that had a lot, and gave it to somebody who had very little. Did she deserve it? Of course she did. She had less money and picked the right lawyer. Who cares if, as Professor Meyers stated, "there had never been a published study supporting the precise injuries involved?" Sure, you may have driven up the price of health care for the rest of us. Insurance companies will have to squeeze pharmaceutical companies and doctors to make up the costs. They in turn will squeeze the patients. Lawyers will walk away with 30%. Everybody that matters is happy in the end, right?

You have also opened the door to even more frivolous lawsuits than we have seen in the past. The study of modern medicine is evidence based. Almost all of what doctors do and prescribe has been analyzed and tested thousands of times in controlled settings. The criteria for acceptance in the industry is beyond what most people realize (hence our disdain for alternative therapy). Yet we still don't know everything about the body, and many things that happen are beyond the control of medical science. There are billions of genetic and developmental variations that undergo many kinds of extrinsic stresses. This reality is what worries the doctor the most, and there are two reasons for this fear now. The first is that the patient may be harmed in ways that we can't control for reasons that we can't predict. The second is that there is a pack of bloodthirsty wolves waiting outside the door to pounce on us with "exceptionally creative lawyering" when something unexplainable does go wrong.

Two Calls to Action

By Jocelyn A. Stotts

Tens of thousands of demonstrators took to the streets of Washington, DC to protest the war with Iraq. To protest the use of our money to fund a war they do not support. To protest sending our sons and daughters, our brothers and sisters, our neighbors to fight a war that is not their war. To protest United States unilateralism, a United States preemptive strike. To protest low oil prices at the cost of greater instability in the

Middle East. To protest low oil prices at the cost of Iraqi civilian lives. To protest low oil prices at the cost of servicemen and servicewomen's lives. There are those that support the American way of life. There are those that support democracy. There are those that support freedom and justice, the very ideals on which this great country was founded. These people spoke out this weekend against the war. Law students spoke out this weekend against the war. Those who have no opinion on the matter must think of the cost our leaders are asking us to pay. Must think of the ramifications of United States

unilateralism and the standard a United States preemptive strike will set. Those who support the war, go out and enlist. Make the sacrifice you are asking others to make for you. Do not enjoy the economic benefits if you are not willing to make the physical sacrifice. Every person who opposes the war with Iraq must take action. Let it be known to your friends that you do not support the war. Sign the National Lawyers Guild petition that is posted on the bulletin boards in the stairwells. Write to your congressmen and congresswomen to express your opposition to the war. Do not stand idle; take action for your beliefs.

At the founding of this country, only white, property-owning men could vote, campaign, and run for public office; only these men could rule the rest of us. Women organized and demanded their right to vote. African-Americans organized and demanded their right to vote, but before this right was granted, 19-year-old Jimmy Lee Jackson, Mrs. Viola Louiso, Reverend James Reed, and others made the greatest sacrifice of all in the struggle for this basic democratic right. The struggle for civil rights has brought the political right to vote to women and minorities. Do not let the sacrifices of those that went before us be in vain. Do not let yourself become disenfranchised. Do not let the flaws of the electoral system become a flaw in the electorate; instead, work within the system to better the system. We all share the duty to participate in the political process. If there are truly no

Letters to the Editor

Much to Do About Nothing

By Jonathan Turley
J.B. & Maurice C. Shapiro Professor of Public Interest Law

On October 22, 2002, the *Nota Bene* ran an opinion piece concerning a recent article that appeared in the Reliable Source column of the Washington Post's Style Section. Frankly, I have previously been the target of Lloyd Grove's column and I do not generally respond to such articles. However, in his opinion piece, Mr. Meissner first misstated the facts and then suggested that I had misrepresented my credentials. Mr. Meissner never contacted me about the article nor sought to confirm the true facts before running a story alleging gross ethical violations. As a member of this faculty, I believe that my students deserve to know the true facts.

During the Reagan Administration, I had a brief stint at the National Security Agency and had occasion to appear before the secret Foreign Intelligence Surveillance Act court. This was during an intermittent internship over the course of two years. My observation of the secret court as a young intern led to a lifelong opposition to FISA and its use against citizens. I later litigated FISA issues as an attorney in opposition to the secret court. I have also written on the history and constitutionality of that court.

A couple of months ago, I was invited to participate in a debate on the constitutionality of the court for a small radio program. It appears that at the top of the show, the host made a passing reference to me as a "lawyer" who had appeared in the court. The show admitted that this was a simple mistake on their part and that I had never stated that I was a NSA lawyer. In fact, I have repeatedly identified my experience at NSA as an intern in law school in prior speeches and interviews. I did not hear the opening reference but when it was raised by the other guest, former NSA General Counsel Stewart Baker, I stated that I was "absolutely an intern" and not an attorney. We then moved on to the merits of the argument. Neither I, nor Mr. Baker treated the matter as anything other than a simple oversight by the host.

As for Mr. Meissner's article, it is not true that Mr. Baker stated that I had "not appeared before the secret court." Baker corrected the host's mistake in referring to me as a "lawyer" with NSA. In fact, Mr. Baker disagreed with the Grove column and stated that he told the *Washington Post* that there was never any suggestion of a misrepresentation on my part.

There is no question that I appeared before the court. I was before the court with an NSA staffer to receive approval for classified national security surveillance applications. In order to do so, I was formally presented and allowed to appear with the staffer for that purpose. This is nothing unique to the FISA court. It is precisely what happens when my students appear with me in court, they are formally introduced into the record and allowed to appear. Moreover, you do not have to be a lawyer to appear before the secret court and many non-lawyers do so regularly. No one is allowed into the secret court without a TS/SCI clearance and approval to appear.

Finally, Mr. Meissner insists that "any inaccuracies in a professor's credentials should be corrected before the interview." This is obviously difficult when the inaccuracy occurs for the first-time in the interview. There was no suggestion that I have ever stated in any context that I was an NSA lawyer. It was simply a glitch by one of the staff in writing the introduction at the top of the program. The mistake on the program was a confusion about my prior work with the secret court. I have litigated FISA issues as an attorney, but I did so as a defense attorney in espionage litigation and not as a government attorney. I have litigated, written and spoken against the secret court over the last ten years. Therefore, being an attorney before this Court would not be a credential that I would relish since I have called the court both unconstitutional and un-American.

Ironically, in an article that insists on the need to correct mistakes before going public with an interview or story, Mr. Meissner never bothered to check with me before running his flawed account. Had he done so, I would have respected his concern and I would have explained the true facts. In fact, I agreed to meet with the *Nota Bene* staff that week to discuss our recent filing against the government for the September protests. I would have been happy to meet with Mr. Meissner or to supply these facts by e-mail if he had simply contacted me or my secretary.

Periodic misidentifications occur regularly in the media. I am often misidentified in the press as an "American University Law Professor," a "Georgetown Law Professor," or many other labels. A few such glitches are inevitable over the course of hundreds of interviews. Some are corrected, some are not. This one was corrected in the interview when it was raised. Of course, none of this means that I am without sin. This just does not happen to be one of them.

Take Your Religion Somewhere Else

By Marcus Ehrlander

As Paul Meissner pointed out in his October 22nd editorial in this paper, *Yes People Do Take Their Religion Seriously*, recent months have seen an increase in criticism and intolerance toward religion. There were the sex scandals in the Catholic church, where such a small number of corrupt Catholics brought a barrage of criticism against the entire faith. The seemingly endless carnage in the Middle East has caused many people to question whether religion might be the source of the continued violence. Even a few unexpected critics showed up after September 11th, when, in moments of candor, such anti-religionists as Billy Graham Jr. and Jerry Falwell made statements that Islam is a violent religion and its prophet a terrorist, respectively. Surely, it is a tough time for religion and people of faith.

Yet, equally surely, religion has had it's defenders to fight the good fight. Meissner and many others jump to the defense of Islam, calling terrorists perverters of a peaceful faith. I recently heard the president of the Catholic League, William Donohue, state on MSNBC that the attacks on Catholicism are no more than bigotry, no less vile than racism. After an Asian-American college student recently wrote a joke for a Columbia-Fordham football game about Fordham's tuition going down like an altar boy, Donohue called the student a "phony" as a free-speech advocate because he wasn't as receptive to "Gook" jokes as he was to Catholic jokes. It was a rather surreal exchange, the much older Donohue repeatedly taunting the student, "Why don't you like my 'gook' joke?" It's an old insinuation, though, and should be addressed. Is coming out against religion comparable with asserting racial supremacy -- just bigotry, plain and simple?

The primary differentiation, of course, is that bigotry is traditionally a prejudice against people for what they are, rather than what positions they endorse. Racism can never be constructive in that a person is powerless to change her "race," and saying she should want to is ridiculous. So what of religion, then? Is a person's religious orientation simply innate and immutable? The regional homogeneity in religious belief may point in that direction, but the historical success of proselytization suggests religious beliefs may be a bit more pliable than characteristics like race or age.

That said, I could tell you to change your sexual orientation, for instance, and although you might go home tonight and kiss your significant other goodbye, I'd still be an idiot. So, are those who would criticize religion equally unreasonable as the kinds who would presume to govern our sex lives? The answer to this may depend on the right one person has to try to influence the opinions of another, and that might be an interesting debate. I agree with Voltaire that a person's right to his opinion should be jealously guarded. But of course you never saw Voltaire hold his tongue, because a person's right to his opinion is not a right to go uncontradicted.

This point need hardly be made to faithful America. With the outrage that followed the 9th Circuit panel's decision that adding "under God" to the pledge of allegiance was unconstitutional, it became apparent that while many religious people may still respect a person's right to disagree, there is no strong support even to prevent the government, with all its power and prestige, from imposing a stance on religion, let alone li'l old me. I mean, really, I was happy with "E pluribus unum," the national motto of our founding fathers -- I would have never dreamed of changing it to "In gods we doubt," and putting that on our currency!

In any case, suffice it to say that I have never experienced any great reverence for the deeply held convictions of secular humanists (atheists) in this country, and thus that unless challenged, I feel no need to further justify my right to criticize the religious establishment.

So, what's my problem, then, in a few words?

Simply going back to where I started, Meissner concedes that religion has been dealt several embarrassments recently. With all due respect to a thoughtful and impassioned editorial, however, Meissner seems to believe that the countless people who have been emotionally devastated by the Catholic Church's abuses and cover-ups, the endless death-tolls in the Middle East, the over 3000 lives lost on September 11th, are all somehow offset by the work of some conscientious souls in soup kitchens and other comparable charities. Of course, Meissner would never agree in that light, but this is the unfortunate gist of the argument. Everyone wants to come up with excuses why everything bad that religion does isn't really religion, but just zealotry or perversion. But if they are just going to assume that religion can do no wrong, then they've already preempted the discussion. The fact is that September 11th and the continuing suicide bombings in Israel are committed by people with such faith that they prefer their fate in heaven to the one on earth.. It may be zealotry, but isn't that just extraordinary faith, extreme religion? And then, these atrocities obscure all the subtler insidious effects of religion: the divides between cultures, between friends, between families; the basic intolerance that tends to arise from any person believing that he and his are privy to God's intent, where others are just reprobates or infidels. While most of us are too liberalized to really think like that, the effect is only that we are not truly considering the implications of our beliefs. The people who do spend their lives considering them -- the Pat Robertsons, the Jerry Falwells, the Billy Graham Jrs. -- they all agree: If you're not one of us, *you* are going to hell.

And then, on top of all that, when somebody wants to take a pot-shot at religion, she gets branded as intolerant, as some sort of bigot. "Remember the last guy like that? It was Stalin." Point taken: secularism has had better spokespeople. I like to think of Thomas Paine, Mark Twain, John Lennon. And government certainly isn't the way to bring about greater metaphysical understanding, beyond by allowing discussion. But to people who claim sanctuary from assault on their dogmas, and who then say that the crimes of psychopathic communist dictators have discredited secularism, I say that people who live in glass houses should not throw stones.

Opinions

Grimace Envy

By Paul J. Meissner
Opinion Editor

Recently McDonald's launched a new adult advertising campaign to push its new sandwich, the Big & Tasty. Instead of using children parading down to the local fast food stall, the advertiser did something I found to be quite ingenious—featuring celebrities hanging out with time-honored and beloved McDonald's characters Grimace and Hamburglar.

The whole point of the commercials was quite simple; these characters were with you growing up and made going to McDonald's fun. I guess the whole point was to make the adult consumer feel nostalgic and want to enjoy fast food with all the McDonald's characters. The fun thing was that each little character had its own food, Birdie with the breakfast, Hamburglar with the hamburgers, the Fry-Guys with the fries, and Ronald McDonald was the white male who ran it all.

Grimace always had been my favorite. He's large; he's purple; he's a triangle; he smiles a lot. What's not to like? The food he personified, McDonald's milkshakes, had always been my favorite food there, because they were always so yummy. Watching the commercials made me not want the childhood I had (everyone hated me back then too), but they made me want to spend the day hanging out with Grimace on my very own. Besides, Grimace would probably like hanging out with me that more than hanging out with Donald Trump or Cedric the Entertainer.

What would I do if I got to hang out with Grimace? I guess I could possibly walk through the park and get some milkshakes, Grimace's favorite food. I would ask him about the pending lawsuit against McDonald's, his employer, and how he felt about the whole thing. He would tell me that times were tough, they took out a second mortgage on Ronald McDonald-Land to pay for escalating legal costs and they had to make customers sign waivers before ordering food at the McDonald's restaurants.

Perhaps we could sit and talk about law school, job prospects, and my wedding plans. I would tell him that after only the last two months as Opinions Editor of *Nota Bene*, I single-handedly managed to offend the Student Bar Association, a respected law school professor, and, apparently, all law students who ride the bus. Also, I would tell him that Mark Hershfield criticized my article on religion and he was eager to write his own response. Grimace would chuckle in his deep voice that everything will be fine, and that no one listens to Mark Hershfield anyway.

He could ask me if I wanted a Big & Tasty, and I would have to tell him "no." The last two times I went to McDonald's, I got sick. I hope he would be okay with my rejection.

Perhaps we could go to the playground, but I am twenty-six, I probably shouldn't be doing such things. I should probably study some more Con. Law or finish my paper that no one will ever read. Perhaps I should continue my prolonged job search. Perhaps I should get back to *Nota Bene* and finish editing and reading all of the recent submissions. To reassure me, he would tell me that law school isn't that bad and after all, it isn't all that important in the grand scheme of things. He'd be right, you know.

Grimace will probably be saddened that I would leave so soon. But before I'd go, I would ask him a final question that has bugged me for my entire life: "What are you supposed to be anyway?" He would lean over and whisper the answer in my ear. We'd both laugh and say goodbye.

That would be a great day. Thanks, Grimace.

Not In My Name

By Dawinder Sidhu
Staff Writer

Now that the sniper suspects have been apprehended, the impending military offensive against Iraq has returned as the most significant issue confronting the American people and their leaders today. While it is difficult to criticize a proposal that would ostensibly increase national security – especially after the unfortunate events of last year and because such criticism would fracture the common voice of the nation – for several reasons I do not support an extension of the war on terror to Iraq.

At the outset, there is a lack of evidentiary support justifying a displacement of the Iraqi regime that purportedly harbors weapons of mass destruction. The Bush administration has been unable to convincingly establish the threshold finding that Iraq actually possesses weapons of mass destruction. As former Marine and UN weapons inspector Scott Ritter explained, "The truth of the matter is that Iraq has not been shown to possess weapons of mass destruction, either in terms of having retained prohibited capability from the past or by seeking to reacquire such capability today."

Assuming that the administration's guesswork is correct – and it is understandable to give the government the benefit of the doubt due to a heightened interest in national security and due to the confidential nature of military intelligence – the justification of an offensive against Iraq is still dubious.

The president has argued that aside from possessing weapons of mass destruction, Iraq has used such weapons, dehumanized and killed its own people, sponsored terrorism, and disregarded UN resolutions. Interestingly, the United States possesses the world's largest arsenal of weapons of mass destruction, used them against the Japanese, enslaved a segment of its own people for over 200 years, trained Osama bin Laden and others when the Soviet Union was assaulting Afghanistan, and repeatedly ignored international opinion (e.g., the Kyoto protocol, the International Criminal Court, and capital punishment).

Parroting the administration's reasoning, Derek Mello ("Saddam Must Go," October 22, 2002) states, "Hussein has used chemical weapons against Iran and his own people, invaded three neighboring countries, and tried to develop or has his own biological, chemical, and nuclear weapons. With this kind of record how could he not be a threat?" The United States has tested biological and chemical weapons on its own soldiers, is currently involved in a military campaign in Afghanistan, and as the world's only superpower has a tremendous inventory of weapons of mass destruction.

With our own deplorable record, the question arises. Why shouldn't the legitimacy of the American government be challenged? Why aren't *we* a threat to others? Why haven't other nations attacked us? The answers depend not on logic but on means – more specifically, on American authority. To put it another way, Iraq is a threat simply because we said so. That other nations do not agree with this assessment is quite troubling. Yet, the United States has the power to act unilaterally due to its military prowess, and this administration is attempting to convert strength into what is logical, self-evident, or credible.

The use of simplistic language, such as Saddam is an "evil man," that he is an "enemy of freedom and democracy, " and that "he hates us," appeals to individuals overcome with patriotism or who are unconcerned with understanding the nature and complexity of the proposed offensive. More importantly, this rhetoric effectively forestalls the presentation of any healthy criticism of the war on terror. Mr. Mello himself contends, "there can be *no debate* that the current situation presents a clear choice between right and wrong" (emphasis added). Yet, debate should be encouraged so that alternative solutions to war can be produced and properly vetted, especially when the lives of our troops may be at risk and above all when they may be risked for an unpersuasive and dated purpose. That the purpose is dated leads to the question of why to attack Iraq now, when Iraq hit Israel with SCUD missiles and invaded Kuwait in 1991, and attempted to assassinate Bush senior in 1993.

Arguing that the United States should act alone essentially suggests this nation can act however it pleases, so long as it can muster any sort of reasoning to justify its action, even if that same general reasoning can be used against us and even if we are defying international opinion. Stripping the rhetoric and political rambling from the current dialogue, it becomes clear that a preemptive strike is inherently self-serving: the United States wishes to attack Iraq before Iraq can attack us (assuming Iraq has the means and the will to do so, neither of

Continued on facing page

American Moral Capital

By Gualberto Garcia Jones
Staff Writer

I recently had a great conversation with a classmate, Adam Nyham, about Columbus and genocide. In the current issue of this newspaper, Adam has written a response to the article I wrote for the last issue of the *Nota Bene* where I quoted Columbus' words from his diary relating his first impressions of the natives.

Adam and I discussed the purpose of history, and Adam expressed his opinion that it is necessary to know history in order not to commit the same atrocities. I agree completely with Adam. We agreed that the germs of genocide live dormant within each and everyone's heart, body, and soul. (Read *Heart of Darkness* or see *Apocalypse Now*.) Knowing what our ancestors have done gives us a perspective of what we are capable of doing ourselves. More importantly, though, looking at the past should also give us some perspective as to what we are doing right now.

As a Spanish-American, I always get a good dosage of criticism of America whenever I go back home to Spain. What non-Americans find hardest to swallow is the belief that America and Americans have a moral superior position. I personally believe that our government has worked pretty well, and as a result, our society enjoys peace, prosperity, and relative freedom. But does this translate to national moral superiority? People tend to be saying just that, when they flood every flat surface with American flags and God bless America's.

I am a very proud American, and I beg forgiveness for my pride, but I also fear God, and have serious doubts as to whether he blesses us. God surely blesses some Americans, but America as a nation is a moral failure at the moment, and I don't think God would agree with putting his name on the bumpers of hypocrites.

Whether Christian, Muslim, Jew, Buddhist, or any other of the world's many religions present in America, all agree that killing the defenseless is a sin. Some moral codes justify killing, just as our criminal code does, but only in very limited situations where it is unavoidable to take a life.

The top four reasons described in a major study for having an abortion are: 21 percent can't afford a baby, 21 percent are unready for the responsibility, 15 percent are concerned about how having a baby could change their lives, 12 percent have problems with relationships or want to avoid single parenthood. Needless to say, these are not justifiable reasons for killing.

In America, our cherished laws currently allow approximately 1.33 million abortions in the United States every single year. That is about 26 percent of all pregnancies. Since January, 22, 1973 (when the Supreme Court of the United States created the right to have an abortion) approximately 41 million babies have been aborted or killed, depending on your view. For comparison, note these figures of death tolls from major conflicts and genocides:

30,000 people were killed during the Spanish Inquisition, that's about how many babies are aborted in one week.

Five million Jews were killed by the Nazis, that's twelve times less than the total number of babies aborted since *Roe v. Wade*.

500, 000 Japanese died from the nuclear bombs, that's about how many babies are aborted in five months.

About 50 million Chinese died during Mao Zedong's regime from 1949-1975, a little more than the number of aborted babies but, if Planned Parenthood has its evil way, we will soon get there.

Finally, with respect to American Natives' death toll as a result of colonization, the estimates are completely unreliable and disparate so I cannot give an estimate.

In this article, I don't wish to discuss each side's specific positions, since they will be discussed in a point/counterpoint in a later issue. Here I simply wish to give my opinion about present American moral capital, and how shameful and ridiculous we will appear to the future looking back upon us. We will be as ridiculous as the British colonizers of India, we will be as inhumane as the Spanish Conquistadors, and yes, we will be as hypocritical as the founding fathers who decided some humans were only worth three-fifths of others. We are this ridiculous, so to all the revisionists out there I repeat what has been said for more than 2000 years. "Stop judging, that you may not be judged. For as you judge so shall you be judged, and the measure with which you measure will be measured out to you. Why do you notice the splinter in your brother's eye, but do not perceive the wooden beam in your own eye?"

Let's end the atrocities we are committing today and use history not to judge the past but to judge ourselves.

Opinions

Getting It Backwards

It is very rare that I turn the pages of this publication and I see somebody get something completely backwards. In the October 22nd edition of the *Nota Bene*, however, I read one opinion piece that quite shocked me. Sometimes, we get lost in this bubble called the law school. Sometimes, we make the mistake of thinking that our collective student body represents the "outside world." Last week, Paul Meissner made this exact mistake as he lamented about our intolerant society, which he claims doesn't seem to respect religion. With all due respect, I think this conclusion is erroneous at best. Religion in this nation is currently making a bigger comeback then my beloved '80s hair bands.

The discrimination in this nation is not against Christians; it is against those without religion. Let's take Congress for example. How many members of Congress say that they follow an established religion? The answer is all 535. It seems that being a devoutly religious is not a crime in Congress after all, but perhaps an asset. Various religious affiliations are fully represented in Congress. It is the 10-plus percent of this nation who are agnostics, atheists, or non-believers who are not represented in our political institutions.

Certainly in some academic institutions religion is looked at skeptically. Education in general teaches one to be skeptical of anything without a concrete answer, so that should not be that surprising. Travel a mere 50 miles south of Washington, D.C., or merely a couple miles east and the opposite is true. In various parts of this nation, those without religion are ostracized. To some it appears inconceivable that people could live their lives without going to church every Sunday. To those people, having no religion is the virtual equivalent of having no moral values. These individuals without religion are looked at as outcasts and shunned from society at large. Perhaps Mr. Meissner needs to get out of this educational ivory tower and head out into the rural parts of this nation (or even a couple blocks down the street), and he will see what I am talking about.

The intolerance in this nation, in essence, is not towards particular religions, but towards those without religion. The romantic view of a bunch of elitist atheists laughing at members of organized religions is a skewed view of this country. The more realistic view is that of a President and political leaders who encourage us all to believe in a higher being and to attend religious institutions. The trend in this country is clearly towards more religion, not less.

No one is necessarily saying that religion is a bad thing. What I am saying, though, is that it's a choice. Some people choose to believe in God and follow a certain religion, while others do not. From where I am sitting, there appears to be a growing amount of respect for various religions, along with a growing disrespect for those who choose to spend their time outside of traditional religious organizations. Those who are constantly preaching religious tolerance are not practicing it, and that is hypocritical.

INSIDE HERSHFIELD'S HEAD

BY MARK HERSHFIELD

Religious tolerance is a concept that applies to those who do not have religion along with those who practice a particular faith. Those who cannot fathom this concept appear to be extremely narrow-minded. As a collective society, we have to all understand that reasonable people can reach reasonable conclusions on various issues. This includes whether there is a higher being or not.

So I would like to encourage Mr. Meissner and all those with similar views to expand their horizons and look beyond the isolated examples of intolerance towards various religious groups, and look instead towards the discrimination non-believers across this nation feel. America is a religious nation. We are, however, a diverse nation and all views need to be respected. It is equally as repulsive to make fun of someone for observing the Catholic faith as it is to turn one's nose up at an individual who simply says that they do not believe in God. Instead of focusing on discrimination towards religion, perhaps Mr. Meissner should have focused on the pressure in this society to conform to a particular religion. From where I am sitting, it seems the will of the majority is the more frightening of the two.

The Virtues of a Free Press

By Jeremy Medevoy
Staff Writer

The great American newspaper publisher Arthur Sulzburger said that "freedom of the press, or, to be more precise, the benefit of freedom of the press, belongs to everyone – to the citizen as well as the publisher…the crux is not the publisher's 'freedom to print'; it is, rather, the citizen's 'right to know.'" While this quote might be referring specifically to a press free from government regulation, I think it applies equally to a press free from any regulation whatsoever. In this article, I will write about the importance and benefits of a free press. I do so because this semester I have been troubled by a particular student organization's actions on this very subject. But I won't argue that the free expression of ideas is limitless. It is limited only by the newspaper's own discretion – after all, no newspaper can afford to print everything. However, it should not be regulated by any outside forces, such as the school administration or student groups.

Nota Bene failed to run my last article. While I don't agree with the newspaper's reasons for excluding my article, it is the right of the paper. In this banned piece, I wrote about the interactions between another student at this school and myself. The newspaper offered a number of reasons for not including my article. First, it said that my article came too close to libel in terms of the way that I spoke about the student. I do not agree with this reasoning. The Restatement (Second) of Torts § 558 states the elements needed to establish a claim for defamation. The first element requires a "false and defamatory statement concerning another." My story was true! In fact, I have the emails to support it. Thus, because my story told the truth about an altercation with another student, I fail to see how this would come close to libel. Second, *Nota Bene* told me that because I used fictitious names, this "cut against my story." I wanted to tell my story because I thought it was important, but at the same time, I wanted to remain respectful to the other student. Does this "cut against my story?" I don't think so – it is the same exact story, just with different names. One of *Nota Bene's* exceptional writers, Erik Baptist, often uses fictitious names, and the paper never seems to have a problem with his pieces.

Regardless of my feelings on its reasoning, the paper must be allowed discretion in terms of choosing its articles. I respect *Nota Bene's* decision not to print my article, regardless of its reasons. There are a number of reasons why a paper should be allowed this wide discretion. First, no paper can afford to take everything. Since moving to Washington, I have submitted countless letters to the editor at *The Washington Post*. They have taken only one of my submissions. Second, newspapers must consider potential liability in printing articles.

While the newspaper itself can limit its contents, I argue that it should not be influenced by outside forces. And this is where I want to discuss my problems with a venerable student organization at this school. In a past edition of the paper, I wrote a letter criticizing GW's Moot Court Board for the way that it runs its first-year competition. At a subsequent meeting, some members of the Board expressed shock and disappointment in *Nota Bene* for running my letter. Some even suggested boycotting the newspaper. Are you serious? I need to ask the Board: Why shouldn't the paper have run my piece? Should students not be aware of flaws with your organization? Should they not be aware of alternative ways of running the program, including alternate methods used at other schools? Students should be aware, and neither the Moot Court Board nor anyone should be attempting to control or limit what is run in the newspaper. And because the Moot Court Board fails to understand this concept, I will try to explain.

Why should *Nota Bene* promote the free expression of ideas? First, allowing this helps to promote change. Imagine that. Imagine the Moot Court Board reading my opinion piece and asking critical questions about its approach instead of having a we-can-do-no-wrong attitude. Maybe then, we would eventually see change to a flawed system. And while I may seem to be singling out the Moot Court Board, this is not intended. It is just an example that I use because members of that group spoke about suppressing ideas in the paper.

There is another important reason that I want to focus on here, and this reason, I believe is especially helpful to the Moot Court Board. The advantage in running everything, including controversial pieces is that denying an author his say does more damage than not denying him his say. If an author is denied his say, then the obvious question becomes "what do you have to hide." Some years ago, there was serious controversy on a number of college campuses about a particular advertisement, which denied that the U.S. Holocaust Memorial Museum displays any historical proof of the Holocaust. While the ad may have been hurtful to some, it is easy to see the damage that would have resulted from suppressing the ad. Not allowing the ad would seem to suggest that the museum had something to hide. Similarly, the Board's recent outcry would seem to suggest that it has something to hide. And, this is why the attitude of the Board surprised me.

Unless of course, the Moot Court Board has something to hide.

IRAQ *FROM PREVIOUS PAGE*

which is beyond question). If a nation can "protect itself" by eliminating all its possible threats, do so without any substantial support from the global community, and issue an ultimatum to the United Nations, we are discussing not a civilized government but one of tyranny. Further, when it is said that there are no other options other than forcible action, what we have in sum is an administration that advocates violence over diplomacy, a leadership that occupies a station far removed from what can be called principled governance, and persistently flouts those at the opposite end of the moral spectrum.

Perhaps the most upsetting argument supporting an attack on Iraq is, as Mr. Mello claims, "The Iraqi people deserve to be liberated…." That is, we are doing the people of Iraq a favor by rescuing them from Saddam. This paternalistic cesspool reeks of condescension, and confuses our own interests with those of the Iraqi people. One must also remember that the economic sanctions endorsed by the United States successfully starve the very people we wish to free.

Finally, attacking Iraq will weaken rather than fortify the security of the homeland. If Saddam knows we are going to attack him, what incentive does he have to sit silently and accept his fate? If he truly does hate the United States and knows he will no longer be in power or alive for very long, why wouldn't he attack us and preserve whatever dignity he has? The CIA recently noted, "Should Saddam conclude that a U.S.-led attack could no longer be deterred, he probably would become much less constrained in adopting terrorist action," and Saddam could use weapons of mass destruction as "his last chance to exact vengeance by taking a large number of victims with him." Moreover, attacking Iraq would be consistent with bin Laden's thesis that the United States is an enemy of Islam, thus he will be more likely to terrorize us. A report released last Monday by the Oxford Research Group concurs in the view that a war on Iraq will increase the likelihood of further al-Qaeda attacks.

Accordingly, going after Iraq will needlessly sacrifice the lives of many young men and women serving our country, and will also augment the threat posed to Americans domestically. The case against Iraq, devoid of rhetoric and the American bias that equates questionable reasoning with gospel, is one of force and will; the United States wishes to attack Iraq because it can. It would be an unfortunate error to view the case as anything other than an entirely self-serving enterprise, one that confuses the preservation of an individual sovereign nation with the liberation of a helpless people or with the defense of certain universal virtues, such as freedom. This is a most dangerous sleight of hand, one that will further degrade America's reputation in the international community and which will grossly aggravate the threat of terrorism facing this nation.

FEATURES

TWO (HEL)L©

By Erik Baptist
Staff Writer

So Halloween has come and gone. And so has another night of law school debauchery. Good job, everyone. But there is one observation that I must point out before getting to the point of my article (that is, if I ever have one).

Why is it that many female law students have to dress up with a common theme in mind? The magic word? Slutty. Here are a few examples: not just a schoolgirl, but a slutty schoolgirl; not just a policewoman, but a slutty policewoman; not just a devil, but a slutty devil; not just an Oompa Loompa, but a slutty Oompa Loompa (kinky); not just a French maid, but a slutty French maid (wait, aren't they same?); and not just a ghost, but a slutty ghost (how does one pull that off?). Hey, it's just an observation. I'm not complaining. Who says Halloween becomes less exciting as you get older? The kids don't know that they're missing.

A lot of my readers from last year (actually, all seven of them) have come up to me and asked why I haven't written any stories about my recent dating experiences. Well, I would love to write about them. The only problem is that I haven't gone on one in ages. Maybe it's the 2L slump, or maybe Marge has been spreading rumors about me. Either way, I've got nothing to write about.

Instead, I've used this free time to study women. And I've come to the conclusion that women are as impossible to understand as the UCC, so I just have to accept them as they are (damn Article 2!). I decided to watch two shows to understand *how women think: Girls Club* and *The Bachelor*. Wow. These shows are awful.

After just two weeks, Fox decided to cancel Girls Club. As you can tell, I am still hurting from that decision. This show not only provided me with a medium to understand how women think, but it also offered a realistic picture of what it's like to work in a firm. For anyone who has watched this show, you know that I'm being sarcastic. The women in this show would tell off their supervising partners on a daily basis. I'm not an expert on firms, but if you tell off a partner every day, you will probably not last too long in that firm. And the drama – way too much of it. Here's an example of a typical conversation on that show:

Female Associate #1: "Mr. Hernandez put me in charge of the Gorcowski case, because he says I have potential."

Female Associate #2: "You slut! You know the only reason that he gave you that case is because he wants to sleep with you."

Female Associate #1: "You're just jealous. I went to Harvard and clerked for a Circuit Court Judge. And your boyfriend is cheating on you."

Female Associate #2: "My boyfriend is not cheating on me! You don't even know how to Shepardize! Plus, you wear way too much makeup!"

Female Associate #1: "I wear too much makeup!? This coming from Miss Dracula herself! I saw your boyfriend last night with another man in a karaoke bar. You tell me if that's cheating! You won't even make your billable hours this year! No one trusts you with their clients. Your last client killed himself! You're ugly!"

Female Associate #2: "I hate you! I hate everyone! I hate this firm! What's wrong with me?"

I think you all get the picture. And for those of you who have seen this show, you know that I'm not exaggerating. The bigger question is: why the hell am I watching this show instead of studying? I don't know. The women were hot. I'm easily distracted.

The other show that I watch is *The Bachelor*. This show apparently had better ratings than the World Series. I don't know why. Actually, I might. Guys watched this show because there are some hot women on this show. Most men are easily distracted by attractive females on television, especially while flipping through channels during commercials. But why women would watch this show is beyond comprehension. This bachelor guy has got to be the biggest player on TV. He has these women, whom he barely knows, fawning over him so badly that they actually want to marry him. Each time he goes on a date with one of them he *gets intimate with them and tells them how special they are. Come on. How can these women be so naïve? This guy is just playing them like a fiddle. He'll probably end up not marrying any of them and getting together with his secretary or someone like that. And how can he be so naïve? The only reason some of these women seem to be interested in him is because he's rich and, maybe more importantly, the whole show is a game to them. According to many of my female friends, you get a room full of women and some of them will get catty and competitive. To me, these women just want to beat the others. Why? Again, I don't know. It definitely can't be to marry this dorky, rich guy. In the end, everyone on this show is a loser. But I'll keep watching.

Again, these are all just observations. I don't mean to offend anyone (even though I usually end up offending everyone). Just watch these shows and decide for yourself. As for me, I'm still trying to get rid of this headache from Halloween, so I can actually start outlining this month. But I wouldn't bet on it. I think I speak for everybody when I say, "Will this semester ever be over???"

The Bar Review

The 18th Street Lounge

By Troy D. Byers
Staff Writer

This is one hip bar to chill in if you're tired of the loud, stifling club or bar with smoke so thick you can carve your initials in it. The awesome part of this lounge is its spaciousness and hominess about three rooms equipped with two bars and furnished with some flop-couches and coffee tables to kick your feet up on. Each room has a different color that, unfortunately, almost gives it an ambiance of a slightly kitsch fondue restaurant. But perhaps that is just overreaching for something negative regarding this otherwise most cozy of watering holes. They also have a patio in the back, which is open during the summer.

The one caveat here is the prices. While we got in without a cover charge (don't ask me how, perhaps we just looked that good), I heard stories of people paying upwards of 10 dollars (and hearsay has it that it goes up to 20 dollars) on a Saturday night. With that said, the dress policy is rather strict; most of the patrons are dressed to the nines. Though there are few suits zipping around, it is definitely a business casual affair. And while exactly how much the drinks cost was an enigma to me, I left broke but feeling like I drank my money's worth of decent martinis.

The music is a collection of lounge sounds with (apparently) internationally renowned DJs that spin some house. At any rate, it isn't obnoxiously loud to the point that you had wished you had paid attention to that sign language class you blew off in camp during the sixth grade; you can maintain an intelligible conversation.

Though there exists a contingency of frat brats who think they are George Clooney, and certain others tend to be on the even less impressive side, the beauty of it all is you won't be sharing a six square-inch space with three of them. So while you may pay a bit more, the ability to breathe whilst consoling with your grog can never be underestimated.

A critique of 18th Street Lounge wouldn be complete without explicit directions on how to find it. It located at 1212 18th St., right by Club Five. However, there is no sign. If you are standing in front of Club Five, to the left is a Mattress Discounters. Underneath the Discounters is the door to ascend to the Lounge. Best not to pregame it too much before going, lest you go through the wrong door and be awoken the following morning by Mattress Discounters employees while you lay on a new Serta in a puddle of your own sick.

Features

MAXIM*US*
Tips for the 1L Male

By Stefano Formica

Her Five Senses

Women are the subject that no commercial outline can ever claim to cover. In an effort to understand them better, I have resorted to many different ploys. Women claim to be strong, so I wanted to see what they were made of. I tried the "rolley bag," for example, to experience the feeling of limberness and grace that women flaunt so well. This was useless. The bag just gets in the way of everything, and makes absolutely no sense, totally inefficient. No wonder they love them. But as soon as they saw me with one, it was like, "oh no, no, no, bad move sweetie…" God forbid I try to maintain a healthy back, for their future benefit. Nope, that's a faux pas.

Trying to understand women from their choice of luggage may be extreme, so I then moved on to sound. These days Enrique Iglesias seems to be the whiner, uh, singer of choice. While I was sitting in the soft lounge, wondering what this guy wants to "Escape" from, I happened to see five lovely ladies having an in-depth conversation. I could only imagine that it was about next season's bikini lines from Victoria's, so I pulled off my phones, and decided to take a listen. To my dismay, they were talking about saving money by buying make-up on sale, or buying rice cakes on sale, or saving money when the folks came into town the next weekend… blah, blah, blah.

Saving money's great, but it isn't like the "rolley bag?" I mean, we know how it is, the minute the dime's on our tab, you'd better forget about sale. Using a gift certificate on a date? Forgettaboutit. Your cash has to be pure, virgin, like the olive oil they're going to dip their foccacia in that night. Extra virgin. But come morning, they'll be in the soft lounge talking about how they can save fifteen percent if they cut out the Max Factor© coupon in tomorrow's Post.

Why the double standard? It's because women are smarter. By saving their own benjamins, they'll have a gold mine piled up, waiting for the moment we make one of our mistakes. We're men, we make mistakes, and this is an equal opportunity world, so we can admit that women make mistakes too. But when we make our mistakes, we're already so deep in the hole that we'll do anything to get a return on our investment. They know this. They're smarter than us.

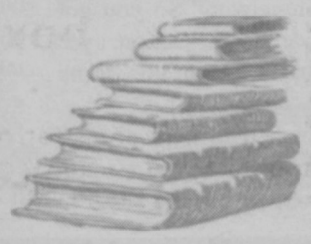
And what's with their super-human memory? In a relationship, everybody makes mistakes, right? Sure, it was hard to decide whether or not to go with the boys to Camelot last week. Oh, and that time that you were caught with that ex-girlfriend's number in your cell phone, that was slick. Oh yeah, and what about the pictures in your wallet… no comment. The point is, they make mistakes too, but we can never remember them. When it comes time to "talk about it" they have some kind of Power Point running in their heads. It's called: "Keys to Making Him Pay" and it's prepared and perfected on a daily basis. When they want to talk, all they have to do is double click their Lee Press-On Nails©, and boom, there it goes. Slide one: the wallet. Slide two: the Ex. Slide three: Camelot. Need I say more? But what do we have going on in our heads? Slide one: Heineken©. Slide two: French maids. Slide three: See slide one. This is a problem. We need some type of male version of Ginkgo Biloba, to keep us focused on the objective during the moments of truth. What is it? Not Viagra©, but instead, benjamins.

The point is, they make mistakes too, but we can never remember them. When it comes time to "talk about it" they have some kind of Power Point running in their heads. It's called: "Keys to Making Him Pay" and it's prepared and perfected on a daily basis.

As soon as they want "the talk" you need to walk the walk. This is all scientific, documented stuff here. Price-benefit, right? Yeah. If you start thinking of the costs of failing during "the talk," you might just be able to remember the time that she was talking to those guys when you were coming back from the coat check, to get *her* jacket. Bingo, you just saved the price of one make-up dinner, usually around one benjamin (unless of course, you manage to sneak the gift certificate your mom gave you past her eagle vision, to the waiter). Then you remember the time her "girls' night out" ended with her calling you at three in the morning drunk, asking for a ride home from some shady bar. Three pointer. You just saved another benjamin. Works nicely huh? Pretty soon, you'll have enough money to hire your own French maid, and some pull in the relationship too.

By using this scientific method to match up equally during those pivotal moments, we will be able to pave our way back to the days when we could focus on the important things in life, like beer. I mean, let's face it, what's next? Soon they'll be upset when they have to pay their own cab fare! Or am I too late? Whatever the case may be, we need to grab this movement by the horns, and put our feet, and our wallets, down.

Trying to understand the prototypical woman through her senses is something like trying to learn nuclear engineering by watching *The Hunt for Red October*. It cannot be accomplished. They have a bouncer at that door that would make Shaq look small. But, trying to use our "man power" to level off the playing field, that's like "knowing" under the MPC, and that, my friend, is half the battle. Who is the real American Hero now? You are. Just remember that the next time you have to recall some fact that could mean the difference between lunch at the Marvin versus lunch at Bertucci's. Remember your assets, and soon enough she'll be using hers.



The Adventures of Kristen and Sarah

By Mindy Mannlein

Need a Ride?

Lately we seem to have developed this habit of giving guys rides home after bars close, so my mom suggested we start charging fares – not a bad idea (she really is a brilliant woman)! So I would like to announce the opening of the Kristen and Sarah Cab Company! Read on to see if you, too, can take advantage of this fabulous new service!

It was a surprisingly disappointing Friday in Georgetown when Tam and I decided the only way to salvage the night was to go dancing – it cures all, you know! We hadn't been at The Guards five minutes when some guy started dancing up against me. And I'm sorry but my first thought was, *Oh dear God, what tool is going to try to grope me now?* I really was not in the mood to deal with any more idiots and just wanted to dance with my friend. But guys seem to have this way of pulling you over so then it's just like, okay, I guess we're dancing now. As it turns out, Dave was actually pretty cute – even goofy at times – and I had fun dancing with him the rest of the night. At bar close, Dave was not ready for us to go our separate ways so I invited him to accompany us to Mon Cherie Café (It truly is the best place to sober up!).

When the time came to leave, Dave was once again not ready for the night to end and ... said he was up for going home with me. "Or would that sketch you out?" Wonderfully put, honey. You're hot, but yes, that is exactly how it would make me feel.

We hung out at Mon Cherie for an hour or so, during which time Dave handled our sarcastic comments rather impressively – way to go, frat boy! When the time came to leave, Dave was once again not ready for the night to end and having never been to College Park, said he was up for going home with me. "Or would that sketch you out?" Wonderfully put, honey. You're hot, but yes, that is exactly how it would make me feel. However, Dave's friends had bailed on him earlier and he spent the last of his cash on our grilled cheese. Being the nice girls that we are, we couldn't very well leave the boy stranded there (*that* would be a dick move!) – so we drove him home. Although he said otherwise, Dave turned out to be the second guy *ever* to get my number and not call. What a shame. You realize you are ruining my perfectly good track record?!?!! (Yes, Professor Butler, in my ideal world, this *would* be a crime.)

Lesson #5: Thanks for playing, Dave, but you lose. I have said before that girls are horny too, and it is ever so true. However, we (meaning Tam and I – other girls may follow different philosophies) do not go home with or take home random guys we just met, even if they seem cool and we are into them. You see, the way it works is the guy has to get our number and then call and get to know us a little. It's really quite simple. We are fun girls. We *are* up for most anything (though sorry, Stefano – nothing with farm animals. But you were right about one thing – we *can* be beautiful! Thanks!). But it's our game, and these are the rules. Trust me – by not calling, you do not win. On the other hand, we have determined *clearly* that guys who do not call us either: (a) are stupid; (b) have misplaced their testicles; or (c) are homosexual. So it is probably better off this way after all.

The following Friday found us back in Georgetown. We started the night at Garrett's, and after chatting with some of the regulars, we went in search of the cute boy Tam saw go upstairs. While she talked to Moe, I "took one for the team" and chatted with Larry and Curly. For the remainder of my time with the Stooges, I proceeded to "make eyes" at a guy nearby who had bumped into me earlier – let's call him Jimmy (he looks like Jimmy Fallon – and *well, let's face it, we called him that all night anyway, even though that's not his name). Jimmy continued looking over and smiling at me, while I hoped in vain that* he would come rescue me – but no such luck, kids. Finally rid of the Stooges, we left to finish the night off right by dancing at The Guards.

At bar close, we exited The Guards and who should we see? None other than Jimmy himself! Naturally, we immediately reacted. "You were at Garrett's earlier! You didn't come over and talk to us! What's your problem?" (Yes, we are those girls.) As is usually the case in these situations, Jimmy seemed a little shocked and unsure of how to respond to such bluntness. "Well, we're going to Mon Cherie Café now. Are you coming or not?" Being a good sport, Jimmy went along with us, and as he became more accustomed to our obnoxious manner, he kind of lived up to his name – he was rather amusing! Then of course, it once again approached that time when we needed to cut out. Walking out of Mon Cherie, Jimmy said, "Where are you going now?" To our car, dear, to our car. (Why is this always such a surprise?) When he kept walking with us, we broke down and offered him a ride. (I'm telling you, I think we're losing our edge….) It turns out he lives right by Dave – at least we're getting familiar with the area! Unlike Dave, however, Jimmy did call me.

Lesson #6: Be like Jimmy. If you are blessed enough to ever receive my number (or any girl's number for that matter), clearly you should call! (It's really not that hard.) And of course, if you are a cute male who lives near the Georgetown area, be sure to try Kristen and Sarah's cab service – just look for us at Mon Cherie Café after bar close. And don't forget to tip well!!!

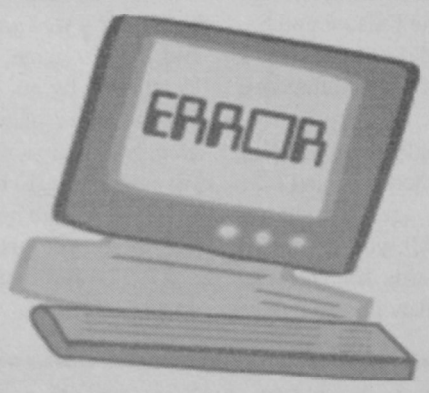
Send comments to: *kristenandsarah@hotmail.com.*

FEATURES

Nuts-N-Bolts: The Tech Junkie

By Elizabeth Austern

Hi, welcome to the technology column. In this and future issues of *Nota Bene* this column will discuss and in some cases solve computer problems commonly and uncommonly experienced by students in the law school.



This week, the topics are the limitations and risks of downloading items on lab computers in the library. If you have any questions or topics you would like me to write about, please email me at *eaustern@law.gwu.edu.*

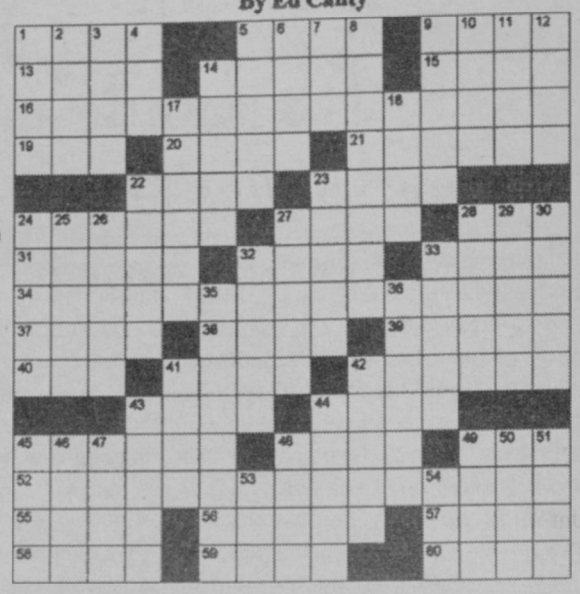
First, it is only possible to download documents, and only to certain folders. Students cannot download applications onto lab computers. There are two principal reasons for this, according to Kimberli Morris, Head of Electronic Services at Burns Law Library. The most obvious reason is the potential for students to download viruses and other destructive executables (programs). Another reason is the tendency for programs to rearrange the location of program icons on the computers, making it difficult for other users to find them. It is important for all lab machines to have a standard configuration to make them easier for students to use and for the library technology staff to maintain, according to Morris.

Many students use the lab machines to email assignments and papers from their laptops to themselves in order to print them out. While it is possible to reconfigure Netscape Communicator to read pop email on the lab machines, the library technology staff does not recommend this. It is important to realize that unless these items are deleted from the computer, they will be available to the next person who logs on. All documents on lab machines are supposed to be erased on a daily basis, but in many cases they are not. The only way to be sure your personal documents are unavailable to others is to erase them from the lab computer before logging out.

In future editions of this column, I'll discuss difficulties with printing, why the lab machines are slow to turn around after logging off, the applications available on the lab computers (including some not listed in the application folder (games!)), and other law school technology issues; I'll also provide tips on the Microsoft suite (Word, Excel, Powerpoint), using your laptop, and more. Again, if there is a topic you want discussed here, please send email to the above address.

Crossword 101

By Ed Canty



Trial Issues

Across

1 Foot follower
5 16 Across equipment
9 Blood problem
13 ____ gin fizz
14 "Get along little ____"
15 Trademark
16 Place setting for twelve
19 Teacher's favorite
20 Merge
21 Stars & Stripes standouts
22 Nothing more than
23 Fish
24 Works hard
27 Sign
28 Seed
31 Be indebted to
32 Region
33 Legal start up
34 Place setting for Magic
37 Sibs
38 Raised mark
39 Cravat
40 Urge
41 Writes down
42 Rulers
43 Orchestra locales
44 Munich specialty
45 Chemical compound
48 Hamilton's rival
49 Employ
52 Tried by the military
55 Comedian Short for short
56 Lift up
57 Precedes ballistic
58 Mary Baker ____
59 Actress Russo
60 Yesteryear

Down

1 Wedding response
2 Frequent crossword puzzle visitor
3 Revolver
4 Moray
5 Barnes partner
6 Mild exclamation
7 " ___ the end of time"
8 Medicinal herb
9 Taint
10 Oaf
11 Monster
12 Youngsters
14 Cloth workers
17 Come out
18 Social group
22 Trappists, e.g.
23 Freshwater fish
24 NRA objective
25 Mindful
26 Lewis and Clark sighting
27 Tough exams
28 Condiment
29 Mistake
30 LA district
32 Assists in a wrongdoing
33 Whistler's Mother, for one
35 Deceiver
36 PBS need
41 Cast aside a lover
42 Spooky
43 Animal lead in
44 Montana mining town
45 Pinnacle
46 Cargo
47 Iraq resident
48 Grain husks
49 Arm bone
50 Match parts
51 Blue-pencil
53 Hop-flavored brew
54 Cozy story place

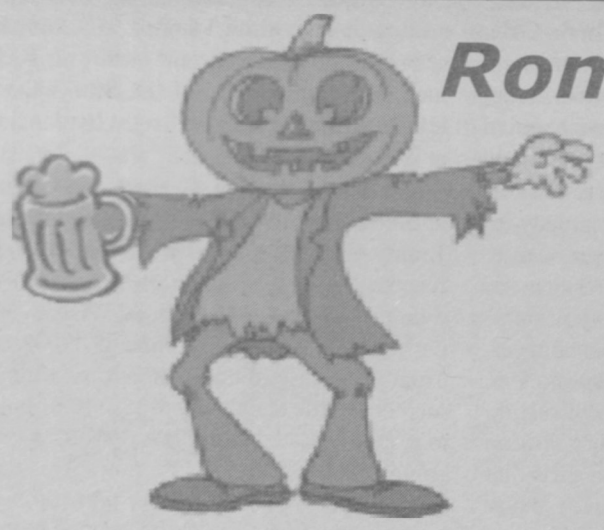
Quotable Quote

I have a lifetime appointment and I intend to serve it. I expect to die at 110, shot by a jealous husband.

• *Thurgood Marshall*

By GFR Associates • E-Mail kedcanty@yahoo.com • PO Box 461 Schenectady, NY 12309

Ron & John Do Halloween



Dear Ron & John,

I have some bad news. I got really drunk at the Law School Halloween Party at Polly Esther's and ended up hooking up with someone from my section. I'd always thought he was cute, but I didn't want to come across as a slut. Is it too late? What should I do next?

Hungover After Halloween, 1L"

Ron's Advice

It's too late. You're a slut. But thanks for writing. Just kidding. As a matter of fact, I think I remember you. Were you the one dressed like a half-naked Indian (losing more feathers by the minute)? Or were you the sloppy Hooters girl (no wings please, just stop breathing on me)? Wait, you must have been the Playboy bunny (Angel grabbed your tail, not me). Regardless, you looked slutty as hell.

Kidding again. Anyway, I can assure you that you are not the only one in such a predicament. The annual Law School Halloween Party is the peak of dirty sloppiness at GW Law. Trust me. Friends of mine that had not hooked up for the entire previous semester do so at this drunkfest. I have witnessed a friend fall all over a group of Hooters girls and a "Quick Order Chef" Tony Montana throw up all over the steps and have the bouncers kick him out (for the second year in a row). And I've seen a whole bunch of drunk sluts like yourself hook up with random guys from school.

Really, just kidding. Seriously though, Hungover, thanks for your question. I'm sure you're embarrassed. Hooking up can be embarrassing when you're dressed like that. If you liked this guy, your actions may or may not have helped your cause. He might just think you're a slutty hookup for future reference or he might think that you were both too drunk to be rational (and that you were a bit slutty).

Kidding (really, I'm done with the slut jokes). On the positive side, at least he knows you're attracted to him. If it was obvious before, he'll likely think you're just a booty call (otherwise, contact would have been initiated before this). If it wasn't obvious, he might be pleasantly surprised. Either way, your cards are out on the table. If you wanted the element of surprise (as most women do), you should have had less to drink. But keep in mind that it takes two to tango, so he's probably feeling very strange too. If you can find no conversation piece here, you're hopeless.

As far as the next step, I'd have to tell you to play it by ear. You should talk to him about what happened. If you see he's into you, pursue it and then you two can eventually talk about that night long ago when your paths first crossed ("And kids, Mommy acted like a total slut"). If he's not into you, then it was probably never meant to be, so you'll just have to enjoy your memories together (if you have any).

John's Advice

Thanks for the question, "Hungover." So you got drunk and hooked up with some dude in your section, aye? Who hasn't? But you actually want to pursue this drunk hookup? Slow down, tiger.

First you made a fool of yourself in front of your future peers in the legal profession and now you want to redeem yourself by dating this guy. Speaking as a guy, I'm willing to bet that this guy had no idea who you were that night. That's the problem with Halloween. People put on masks, makeup, and random outfits to disguise themselves to be somebody else. This guy probably thought you were that hot chick from Section 12, but instead he got that girl in Section 11 whom no one would touch with a ten-foot pole. Apparently, it just took the combination of mass quantities of alcohol and some face paint.

I'm sorry – you are probably attractive and intelligent. But you did write to an advice column, so you definitely have some issues. You should most definitely NOT discuss this matter with the guy. Most men (Ron is technically a man, but figuratively he is very much a woman) hate discussing anything serious, especially explaining their past hookups. If you confront the guy about Halloween, you will scare him away and quickly develop a reputation as being "psycho." So don't do it. Here's what you should do: Ask him if he wants to hang out and watch a movie after a fun Friday night of outlining. If he says "yes," then he might be interested in you, or he just might be interested in hooking up with you (guys are evil). Either way, you win. And if he says "no," then he's probably not interested, unless he has a legitimate excuse. Even if he has an excuse, he can always tell you that he'd be willing to hang out on another night. So if he doesn't make this offer, then he's just trying to tell you to get the hell away from him, but not in those words.

Just remember, law school is just like high school. So now that you've developed a reputation of hooking up when you're drunk, you might as well just go with it. In other words, become the "section bicycle." Let everyone have a ride. If people are going to call you a slut anyways (and they will), you might as well receive some of the benefits that come along with that reputation. But that's just my opinion. And no, Mark Hershfield did not make me give this advice, even though I'm sure he'll be looking out for you now that you are the "section bicycle," the "section slut," the "Halloween whore," and "Hershfield's future first hookup."

FEATURES

SEXLESS in the CITY

Dry Spells: How long is too long?

By Sarah Hensley
Staff Writer

In the lingering "Halloween spirit," I thought I'd write a little something about spells. Unfortunately I'm not referring to the good kinds of spells that bring you vast wisdom, staplers that staple in the library, and no line at ABP. Rather I speak of the dreaded dry spell. In relationships, dry spells almost always signal impending doom, but in the singles' world, they're just one of those little tortures you learn to endure. Still, they beg the question: exactly how long is too long to go without sex?

When I posed this question to some friends, I received this analogous pearl of wisdom that I now impart to you: Living without sex is a bit like training for a marathon. Think about it, the first few weeks of training are excruciating: you can barely drag yourself out of bed in the morning and your body aches at night are enough to keep you tossing, turning, and moaning well past your bedtime. Yet as the weeks pass, you adjust. Suddenly getting up at 6 a.m. to go for your ten-mile jog doesn't seem so bad. You forget the joys of extra sleep and unsore muscles. So it is with sex (especially when you just get out of a relationship). At first the lack of it is excruciating, but as the days pass to weeks, weeks to months, months to years (okay, I'm getting carried away) you forget to miss it so much.

I guess it also bears mentioning that this is another one of those situations where there is a vast difference between the sexes: Dry spells usually affect the male population much more than the female population. I'm told this is because males have a higher sex drive than females, thus it's harder for them to go without for any substantial period of time (measured, of course, by the reasonably randy man standard). I can't say I necessarily believe this though. I know some pretty sexual women and some pretty asexual men. I think the real explanation is much more societal and much less biological. Let's face it: A girl can get sex whenever she wants it; all she has to do (more or less) is ask. In fact, she spends most of her time turning down sexual advances (see, e.g., *Kristen and Sarah*). On the other hand, a guy cannot get sex whenever he wishes, unless he has incredibly low standards or is willing to shell out some cash. Guys, therefore, spend most of their time scheming to get into a girl's pants (see, e.g., *Maximus*).

Nevertheless, regardless of gender, eventually something's gotta give. Despite our other distractions like costume designing, writing memos, and, oh, I don't know, the quickly approaching final exams, we reach the end of our tether, so to speak. Wondering if you're there yet? Ask yourself if any of the following apply to you:

--Is the life-sized cutout of Nomar Garciapara/Tom Brady/Legolas the Elf you bought to "decorate" your room lately more often than not "decorating" your bed?

--Do you sleep with a bowtie and wire rim glasses on the pillow next to you?

--Do you fervently believe that chocolate is the greatest source of pleasure known to man… especially if it's in the form of a brownie sundae?

--Have your professor "extra credit" fantasies become so involved that you don't remember the last time you took notes in class?

--Are you finding great joy in reviewing your notes from Banzhaf's lectures on the intentional torts?

If the answer to any of the above is yes, then congratulations! (or condolences?!) you are officially in a dry spell (alternatively, you may need more help than any column could provide). If you think you're not hopeless, however, here are ten trusty ways to tough it out:

10. Write your own subject matter jurisdiction statute. Choreograph a song and dance number to illustrate it.

9. Get your mind out of the gutter! This may mean throwing away (or at least hiding) some of the aforementioned "decorations" and/or props.

8. Eat chocolate. Lots of chocolate.

7. Exercise more. Drink less.

6. Attend yet another outlining workshop. This way you can make sure that yours is the most perfect outline *ever*, handed down through the generations, more trusted than "The Rock."

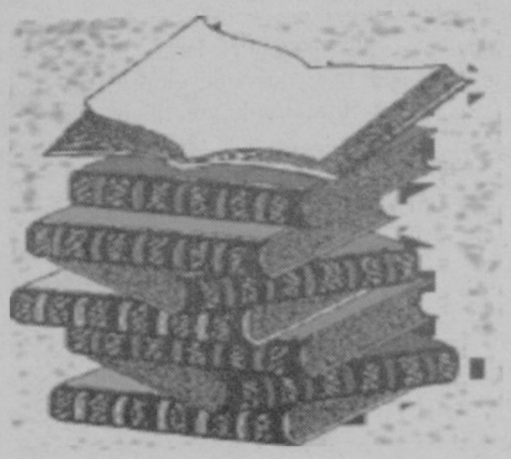
5. Repeat the following mantra: Fornication is a crime in D.C. I don't want to be a criminal.

4. Babysit for some particularly obnoxious children. It's sure to make you appreciate your celibacy.

3. Try to avoid places where you may be distracted by random hotties. Instead, frequent the quiet reading room.

2. Try to actually work out the calculus of risk and causation probabilities from those negligence cases.

1. I said stop thinking about sex. No, *really*. Stop thinking about sex. C'mon, it's not that hard—I mean difficult.



GW's Runners Hit the Road

By Gualberto Garcia Jones
Staff Writer

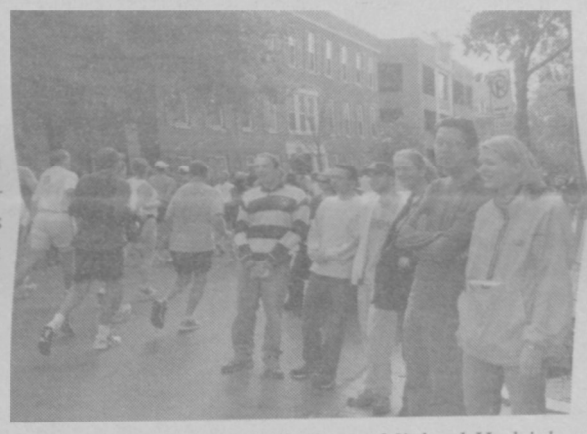
This past weekend several GW law students participated in the Marine Corps marathon. I won't bore you by telling you how long a marathon is, or how fast I can run one. Instead let's name names, let's make 'em proud.

Katherine White
The Rookie, 2L

Katherine was seen, but only by high shutter speed cameras, blowing through the field of competitors at breakneck speeds. It was Katherine's first marathon. She highlighted the fact that, when she was struggling, "the crowd and the Marines themselves would cheer me on and help motivate me to keep going and finish the 26.2 miles. The other runners were a great inspiration as well. You meet a lot of interesting people when you're out on the course and their reasons for running are really diverse." Such a carefully worded quote needs no journalistic interpretation. This column is their stage!

Adrienne Rosen – Kenyan
In Residence, 2L

Adrienne thrived from the support given her by the rowdy GW fans and spectators. As she stretched and posed for pictures in the winners circle, she told the *Nota Bene*, "My impression was that it was a lot of fun, although harder than anticipated. The Marines made it fun and well organized." She also commented that "it was nice to see GW law students out there supporting us; however, there were many parts of the course that were completely devoid of supporters." Adrienne recommends everyone who thinks about doing a marathon to step up to the plate and take a swing.



2Ls Matthew Cooper, Jeff Flores, Michael Hedrick, Lindsay Whitehurst, Remy Taborga, and Ann O'Connell cheer on the runners.
Photo by Brandon Briscoe

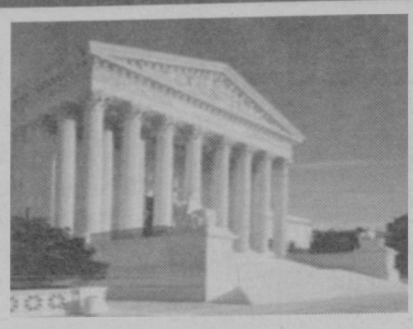
Nick Ivancic
Mystery Man

Nick jumped into the scuffle for ten miles. Apparently, Adrienne needed someone to talk to during her two and a half hour run, Nick was up to the challenge and joined her after getting a tag team slap. They say runners keep it up longer. Nick valiantly verified this aphorism.

Ann O'Connell
Hardened Veteran

This was the first time Ann was sidelined. Although too modest to say so openly, Ann O'Connell recently ran the Chicago marathon, and has annihilated countless other marathons. I have it from an undisclosed source that Ann is actually a close relative of Irish distance queen Sonia O'Sullivan. Here's Ann's story: "Watching the marathon was very exciting. I woke up very early so that I could stand near mile ten before any of the runners arrived at that spot. I was able to see the first-place runners (Who reached mile ten at around 53 minutes) pass by, and then see two of my classmates from Section Twelve run by shortly thereafter. A group of GW Law students went out to support our friends, one (Nick Ivancic) even jumping in to run about six miles [sic] with a classmate for support." As a true vet., Ann had some words for the young recruits eager to see action: "Law students who are interested should take advantage of law school to run one. Training for a marathon is a challenge, but a healthy one, and provides an excellent distraction from school a goal to work toward other than your exams. The next marathon in DC is the 2nd annual Washington DC marathon which is held at the end of March. I am going to run it again and have recruited a couple of other GW law students to run as well. Anyone interested can sign up at *www.washingtondcmarathon.com*."There it is, ladies and gentlemen. You have just seen what kind of stuff GW law students are made of. When you see any of these individuals, make sure you congratulate them. Seriously, it's a damn fine thing to run a marathon.

Features & Continued News



Court Watch

By Gualberto Garcia Jones and Samia Naseem

This is the first installment of what will hopefully become a regular column in *Nota Bene*. The goal of this column is to highlight current cases that are of importance to law students. It is our hope that our student body and especially our professors will contribute to this column, informing us of current cases they find interesting and think that the student body should be aware of.

Supreme Court Refuses to Consider Execution of Youth Offenders *Stanford v. Parker*

The Supreme Court refused to consider the execution of individuals who were under 18 at the time of committing their crimes. Sixteen of the thirty-eight states that allow the death penalty prohibit it for those under 18. States that do not prohibit it are currently imposing the death penalty on murderers who were 16 or 17 when the crimes took place. The United States is one of only a handful of countries that still execute juvenile offenders. There is argument that this practice violates the Constitution and an International Treaty signed by the U.S. The Supreme Court relied on the case of a cold-blooded killer to uphold juvenile executions. Seventeen-year-old Kevin Stanford had abducted, sodomized, and killed a 20-year-old girl and left her half-naked in her mother's car with a gunshot wound to the face. The refusal was expected and there is a chance that state legislatures will reconsider the practice. The Justices have also refused to consider whether extended periods on death row constitute cruel and unusual punishment.

Free Mickey Mouse *Eldred v. Ashcroft*,

Eldred and several other plaintiffs are asking the Supreme Court to overturn the Copyright Term Extension Act of 1998, which extends the terms of most copyrights from 75 to 95 years. *Eldred v. Ashcroft* involves corporate giants like Walt Disney Co. and the Motion Picture Association of America (MPAA) who are using their lobbying powers ($s) against those seeking to increase the availability of movies, music, and books. The last time the copyright was extended was in 1976.

Cynics point to the Steamboat Willie rule that dictates that when Disney's original Mickey Mouse is close to becoming public domain, Congress magically comes to Disney's aid.

Harm to Whales Must Stop *Center for Biological Research v. U.S. Government*

Magistrate Judge Larson of the California Northern District Court in the 9th Circuit ordered the National Science Foundation to stop firing sound blasts into the Gulf of California because it harms whales. This action was brought a week ago after the Center for Biological Diversity suspected that the sound blasts were responsible for two beached whales on the coast of Mexico.

Cruel Intentions, Constitutional Violations: American Citizen Held Without Cause *Hamdi v. Rumsfeld*

The Court of Appeals for the Fourth Circuit is again hearing arguments on the case of Yaser Esam Hamdi. He was born in Louisiana and reared in Saudi Arabia. He has been held for almost seven months in a Norfolk, Va. Navy Brig without facing any charges. He was captured on an Afghan battlefield but has not been given any opportunity to explain his whereabouts. Hamdi is an American citizen and as such is entitled to an attorney but he has been denied access to a public defender and has been incommunicado since his arrest. The Bush administration has labeled Hamdi as an "enemy combatant" although no charges as such have been brought and he has been given no opportunity to present a defense. The administration has stated that the status of "enemy combatant" does not carry any of the protections that being charged in civilian court or being a prisoner of war does, not to mention the rights of an American citizen.

This is the first case in which an American citizen has been held without facing charges and denied counsel. The outcome of this case will determine what prevails: presidential powers or constitutional rights of American citizens.

9th Circuit Supports Marijuana Recommendations *Conant v. McCaffrey*

The 9th Circuit found that the policy of revoking doctors' prescription licenses for suggesting that patients use marijuana violates free speech rights. The government argued that doctors were aiding in criminal activity. The court felt that doctors have a constitutional right to speak freely with their patients. Until and unless doctors help their patients obtain marijuana, they will not be aiding in anything illegal. This case was the result of California residents who voted in 1996 that patients could use marijuana with a doctor's recommendation. Both the Clinton and Bush administrations supported the idea that doctors who recommended marijuana should lose their license and face criminal charges.

20 Million for Pain and Suffering *Gilbert v. Daimler Chrysler*

This Michigan case marks the largest award for an individual victim of sexual harassment in United States history. Ms. Gilbert suffered 20 years of sexual harassment in the Chrysler automotive plant through acts such as pornographic messages, vulgar talk, and insults. The jury awarded Ms. Gilbert one million dollars for potential lost earnings and medical expenses and 20 million dollars for pain and suffering.

This case has been noted as a benchmark in the shift away from awards of punitive damages towards pain and suffering. The shift can be explained in part by the recent Supreme Court decisions have directed the court to keep a tight rein on punitive awards while awards for plaintiff's losses, like pain and suffering, are treated with much more deference.

Colombians to be Tried for Crime not Involving Drugs

Juan Luis Bravo and Henrri Jamioy Quistial have been charged with the kidnapping and murder of Ronald C. Sander, an oil rig supervisor from Missouri. The men are also charged with being part of a kidnapping group that abducted foreign nationals and held them for ransom. Sander was abducted on October 12, 2000. He was one of 12 who were held in the jungle bordering Colombia. Bravo and Quistial demanded 80 million dollars and killed Sanders when they were not paid. This is the first time that the Colombian government has allowed the United States to try its citizens on a crime unrelated to drugs.

Brooklyn Judge Gets Three to Nine Years for Bribe

Victor I. Barron pleaded guilty to receiving a bribe and was sentenced to at least three years in prison. Justice Colabella, the sentencing judge, described the bribery as "a willful act on your part, a horrendous act, an act that makes me as a judge squirm."

Mr. Barron was captured in the act of asking for a $250,000 bribe by a prosecution tape recording.

As a defense, Mr. Barron, 61, argued that his bribery request was a symptom of Alzheimer's disease or the rarer Pick's disease, an ailment that can cause abnormal behavior.

The case that gave rise to the bribe request involved an automobile accident case with a five million dollar settlement. Mr. Berenholtz, the attorney involved in the request for the bribe, will be reprimanded by lawyers' disciplinary officials because he had not reported the bribe solicitation for seven months.

Nominees from page 7

the mainstream and too conservative for democrats to approve," she explained. Gray disagreed, noting that he didn't see that "any of these judges is out of the mainstream. "I don't know what of any of these judges marks them out of mainstream."

Aron also rejected the idea that Democrats should exercise deference to the President. "Fortunately there are senators like [Patrick] Leahy who say it would be irresponsible to allow a president who's guided by his ideology and judicial choices not to allow the senate to apply ideology in reviewing judicial nominations," she said. Aron and Gray disagreed over the appropriateness of the current procedure whereby a senate committee approves judicial nominees. "It's worked well," Aron said. "They know the qualifications well. They have reviewed qualifications and reviewed law review articles...they're probably in best position to make final decision on nominees," she explained.

However, Gray pointed out that the entire Senate should have to make the decision. He said the current system allows one senator to block approval of judicial nominees. While Aron told the audience that considering ideology is important when selecting nominees, Gray explained that this can be problematic. Gray said the media sometimes portrays candidates inaccurately.

However, when Cheh asked whether it was realistic to believe that ideology would not be a factor in selecting nominees, Gray agreed that ideology has played a role in the past. "Statistically judges that Reagan and Bush have appointed do things differently than judges Clinton appointed," he said.

Aron vehemently argued that the President does in fact consider ideology when selecting a nominee. "I can't imagine a President saying he doesn't pick judges using ideology," she said. "Why aren't law professors nominee for federal judges? Because they haven't written prolific law review articles that call abortion an evil----that disagree with Supreme Ccourt's decision in the *Bob Jones* case...," she said.

She said noted that Senate consideration of ideology is appropriate because the President also considers this factor. "When Reagan appointed Court of Appeals judges in the 1980s, his judge-pickers chose people because they knew the critical role court of appeals they play in society...they're more important in overall shape of federal judiciary," Aron said.

Aron argued that Republicans resorted to partisan politics during former President Clinton's administration. "Senators didn't let some nominees have hearings before the senate judiciary committee," she said. "They wanted to benefit from their obstructionism by allowing seats to remain unfilled." Aron gave the example of Ronnie White, the first African-American to sit on the Missouri Supreme Court, who was supported for district court in Missouri. When White was going through the confirmation process the senate judiciary committee voted him out, said Aron. She said the Senator John Ashcroft led a campaign to portray White as being against the death penalty, although White's record did not support this portrayal. "It was simply a means to achieve a partisan goal that Ashcroft wanted," Aron said. "He is just a symbol of what happened."

The lecture was well attended and both sides vehemently argued their positions. The 2002-2003 Enrichment Lecture Series will continue during this semester and continue into the Spring semester.